

**TRANSPORTATION PERMIT EFFICIENCY and ACCOUNTABILITY  
COMMITTEE**

**Agenda\* for the Twenty-Fourth Meeting**

**Tumwater Comfort Inn  
Tumwater, WA**

**Wednesday, December 10, 2003**

<b>AGENDA ITEM</b>		<b>TIME</b>
1.	<b>WELCOME AND INTRODUCTIONS</b> Senator Swecker	<b>9:00</b>
2.	<b>APPROVAL OF MINUTES</b> <b>(Approval)</b> Approval of Minutes of September 10, 2003. Draft minutes have been prepared by Jessica Jeffreys.	<b>9:05</b>
3.	<b>TPEAC WORKPLAN</b> <b>(Update)</b> Megan White and Peter Downey will present the TPEAC workplan which outlines specific streamlining deliverables.	<b>9:10</b>
4.	<b>HOOD CANAL BRIDGE RETROSPECTIVE</b> <b>(Panel Discussion)</b> Pasco Bakotich, Patty Betts, and Bob Zeigler will participate in a panel to provide their prospective on streamlining efforts through the work of the Hood Canal Bridge interdisciplinary team.	<b>9:40</b>
5.	<b>2003/05 BUDGET STATUS</b> <b>(Information)</b> Peter Downey will present changes to the current budget.	<b>10:25</b>
6.	<b>WSDOT "PROPOSING PERMIT TERMS AND CONDITIONS"</b> <b>(Panel Discussion)</b> Jason Smith, Peter Birch and Scott Boettcher will discuss approach, and receive feedback on WSDOT proposing permit terms and conditions.	<b>10:55</b>
7.	<b>PROGRAMMATIC SUBCOMMITTEE</b> <b>(Information)</b> Peter Downey and Gregor Myhr will provide an overview of programmatic permit work conducted by WSDOT and resource agencies. He will also update the committee on the status of programmatic work directed by TPEAC legislation.	<b>11:30</b>

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\*All TPEAC meetings are open to the public. The order of the agenda may be re-arranged by the Committee. Other items that may be properly taken up by the committee may be added. All topic times shown are estimates that may be varied by the Committee.

AGENDA ITEM	TIME
<b>8. LEGISLATIVE REPORTS DUE DECEMBER 2003</b> <b>WORKING LUNCH</b>	<b>12:00</b>
<p><b>NOTE:</b> <i>Guests are welcome to join committee members for lunch.</i>  <i>If you wish to do so, please provide a check for \$11.00, made payable to “WSDOT TPEAC”, and give it to either Linda Healy or Jessica Jeffreys.</i></p>	
<p>Subcommittees will update the committee with what will be reported to the legislature.</p>	
<ul style="list-style-type: none"> <li>• TPEAC – Peter Downey</li> <li>• Local Ordinance Task Force – Patty Lynch/Scott Merriman</li> <li>• Federal Delegation – Peter Downey/Scott Boettcher</li> <li>• Pilot/One Stop – Shari Schaftelein/Dan Dixon</li> </ul>	
<b>9. SIGNATORY ADVISORY COMMITTEE (SAC)</b> <b>(Update)</b>	<b>1:10</b>
<p>Phil KauzLoric will provide an annual status update as required under TPEAC Resolution Number 15, May 2002, regarding this Interagency Agreement Integrating NEPA and aquatic resource permit requirements.</p>	
<b>10. MITIGATION BANKING LEGISLATION</b> <b>(Information)</b>	<b>1:25</b>
<p>Jay Udelhoven, Assistant Division Manager, Aquatic Resources Division for the Washington State Department of Natural Resources (DNR) will present DNRs proposed legislation on mitigation banking.</p>	
<b>11. POTENTIAL LEGISLATION</b> <b>(Discussion/Information)</b>	<b>1:45</b>
<p>Senator Swecker will review potential legislation for the 2004 legislative session</p>	
<b>12. DISCUSSION ON FUTURE TPEAC MEETING DATES</b>	<b>2:20</b>
<p>Peter Downey will present the committee with proposed meeting dates for 2004, as shown below.</p>	
<b>13. PUBLIC COMMENT</b>	<b>2:35</b>
<p>Provide time for public comments to the streamlining process.</p>	
<b>14. REVIEW OF ACTION ITEMS AND DELIVERABLES FOR THE NEXT MEETINGS</b>	<b>2:50</b>
<b>15. CLOSING AND ADJOURNMENT</b>	<b>3:00</b>
<p>Senator Swecker</p>	

**Proposed dates for future meetings:**

March 17, 2004 - Olympia  
June 9, 2004  
September 8, 2004  
December 8, 2004

# Other WSDOT Programmatic Permits

## Individual Agency Programmatic Permits

### WDFW

#### Permits

#### Status

#### Frequency per year

Freshwater Sediment Test Boring General HPA

Expires 7/15/08

10

Marine Sediment Test Boring General HPA

Expires 12/31/03

5

Beaver Dam Removal General HPA

Expires 8/25/08

220

Debris Removal General HPA

Expires 12/31/03

151

### Ecology

#### Permits

#### Status

Herbicide control of noxious weeds NPDES Permit

Expires 5/06

?

Herbicide control of non-noxious weeds NPDES Permit

Expires 5/06

?

# **USFWS and NOAA Fisheries Programmatic Biological Assessments**

## **NOAA Fisheries**

### **Statewide Programmatic Biological Assessment for Listed Salmonids**

#### **Activities Covered**

Pavement Preservation; Slide Abatement and Repair; Bank Stabilization and Flood Damage Repair; Bridge Repair, Retrofit, Replacement, and Maintenance; Mobility Improvement; Safety Improvement; Facilities Preservation and Construction; Environmental Retrofit and Enhancement; Drainage System Maintenance and Repair.

#### **Status**

Approved July 2002 and in use. Expires in June 2007.

## **USFWS**

- 1. WSDOT Olympic Region Programmatic Biological Assessment for all Listed Fish and Terrestrial Species**
- 2. WSDOT Eastern Region Programmatic Biological Assessment for all Listed Fish and Terrestrial Species**
- 3. Western Washington Regions Programmatic Biological Assessment all Listed Fish and Terrestrial Species**

#### **Status**

Approved July 1999 and in use.

Final BO received will be in use by January 1, 2004.

Submitted original PBA April 2001. BO delivery date is unknown.

#### **Activities Covered**

Pavement Preservation; Slide Abatement and Repair; Bank Stabilization and Flood Damage Repair; Bridge Repair, Retrofit, Replacement, and Maintenance; Mobility Improvement; Safety Improvement; Facilities Preservation and Construction; Environmental Retrofit and Enhancement; Drainage System Maintenance and Repair



# **TPEAC Pilot Projects Interdisciplinary Team Questionnaire Report**

## **SR 104 Hood Canal Bridge Project And SR 24 I-82 to Keys Road Project**

December 3, 2003

Prepared by

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## **Appendices**

- 1 List of Survey Questions
- 2 Sample Scheduling Tool from Hood Canal Bridge
- 3 Hood Canal Bridge Issue Resolution Process
- 4 One-Stop Permitting Process





## **Executive Summary**

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This report documents the results from an evaluation of a permit streamlining process applied to two TPEAC “pilot” projects: SR 104 Hood Canal Bridge and SR 24 Yakima Bridge. The main source of data was comprised of questionnaire responses from participants on interagency permitting teams called “Interdisciplinary Teams” (IDT). The responses included information about how TPEAC’s One-Stop Permitting process was applied to each project as well as feedback about how the IDT functioned to achieve the stated mission and goals of the Team.

The Hood Canal Bridge project involved a complex permitting process on a very tight timeline. Respondents reported that the project benefited from the IDT’s collaborative approach and opportunity for regular communication, particularly given the additional permitting needs of the graving facility. Reported drawbacks included an over ambitious permitting timeline, cost of the process, and concerns that environmental impacts are exaggerated in a multi-agency forum.

The SR 24 Yakima Bridge IDT was surveyed prior to the permitting process. Respondents reported benefits of early (pre NEPA/SEPA) agency involvement. These included the opportunity to identify and discuss potential issues in a timely process and affect the project design and preferred alternative decision prior to the development of the Environmental Assessment. Some of the drawbacks that were identified included the suspension of the project/IDT, a lack of collaborative group process, and high demands of agency staff.

Many respondents emphasized that the IDT process has great potential and is a good first step towards cooperative and efficient permitting. Ten recommendations are suggested in this report to support the efforts of future interagency teams and the streamlining goals of TPEAC in general. These suggestions include convening the Team earlier in the process, improving the One-Stop process to reflect some of the feedback regarding aligning/combining permit applications and review periods, further developing the scheduling tools used in the Hood Canal Bridge project, expanding the use of electronic communication and organizing tools and improving the public involvement and mitigation plan development process.



*"I think we all learned a lot from this process that will help make the next projects and IDT processes go more smoothly."*

### 1.1 Introduction

In 2001, through ESB 6188, the Washington State Legislature established the Transportation Permit Efficiency and Accountability Committee (TPEAC). TPEAC was established in order to implement environmental permit streamlining for transportation projects. TPEAC is an interagency work group focused on achieving both transportation and environmental goals in an efficient regulatory process.

One of the Subcommittees under TPEAC, currently known as the One Stop/Pilot Subcommittee, focused part of its effort on creating an improved permitting process. The steps for accomplishing this included:

1. developing a new process focused on streamlining,
2. applying the new process to pilot projects,
3. evaluating the pilots' process for usability, and
4. institutionalizing those identified improvements.

Step 1 was completed in March 2002 when TPEAC adopted a streamlined permitting process.

For Step 2, three pilot projects were initially selected to participate in this process improvement effort. These included the I-405 Intersection with Highway 167 (I-405), Hood Canal Bridge with Port Angeles Graving Facility (Hood Canal Bridge), and SR 24 at I 82 to Keys Road (SR 24 Yakima Bridge).

The I-405 project did not progress due to funding problems. Currently, several portions are included in the Nickel funding package and also proposed for inclusion in the next series of TPEAC pilot projects. Hood Canal Bridge began the permitting process in March 2002 with the formation of an Interdisciplinary Team (IDT). The permitting process was completed in June/July 2003. A contractor was selected and the project commenced construction by August 2003. The IDT for SR 24 started in February 2002 and proceeded at a different pace than the Hood Canal Bridge project. Initially it focused on key design and alternative route issues associated with long term floodplain management. The IDT then had a six month break from December 2002 to June 2003 due to a lack of project funding. It reconvened in June and has since held intermittent meetings to develop a permitting process and timeline.

In order to complete Step 3, the Subcommittee developed and solicited responses from a set of questionnaires for the pilot project's Interdisciplinary Teams (IDTs). Both the Hood Canal Bridge (HCB) and the SR 24/I-82 to Keys Road project IDTs were surveyed. Only the initial or "Mid-Point Questionnaire" was distributed to the SR 24 IDT (in December 2002) due to its suspension and delay in the permit delivery phase. For Hood Canal Bridge, the Mid-Point questionnaire was distributed in December 2002, to capture

perspectives halfway through the process. Also, a revised questionnaire, referred to as the “Exit Questionnaire,” was distributed to the HCB IDT in June, 2003 to capture perspectives at the end of the process (as well as from the additional permitting process for the associated graving dock). In addition to the formal questionnaires, debriefing sessions and clarification discussions were held with members of the Hood Canal Bridge IDT.

The purpose of the initial “**Mid-Point**” **Questionnaire** was to collect information about:

- how well the One-Stop process was understood by the IDT,
- how the One Stop permitting process was applied to the project, and
- recommendations on improvements, expansions, or changes.

The purpose of the **Exit Questionnaire** was to collect information about:

- how the One Stop permitting process was applied to the project,
- how well the IDT functioned, and
- recommendations on improvements, expansions, or changes.

This paper reports results, both quantitative and qualitative, of the feedback from these two projects. It provides a brief analysis of these results and a list of recommendations for future IDTs (now called “Interagency Project Teams” and “Multi-Agency Permitting Teams”). It can also be used by the One Stop/Pilot Subcommittee, in conjunction with other feedback and information, to make recommendations to TPEAC in order to enhance project delivery efficiencies.

## ***1.2 Brief Overview of the Hood Canal Bridge Project***

This project is officially titled as the SR 104 Hood Canal Bridge West Half Retro-fit & East Half Replacement Project (“HCB”). By the time the HCB Interdisciplinary Team formed in March of 2002, WSDOT had spent a significant amount of time planning, designing, and conducting public outreach on the bridge and passenger-only ferry components of the project. Six to seven months into the permitting process the project changed with the addition of the Port Angeles graving facility. This second component had not received the early WSDOT planning and design effort. As a result, the planning, design, and environmental analysis occurred concurrently with the IDT permitting process. The addition of the graving facility occurred after most permitting issues on the bridge site were resolved. Consequently, the permitting process encompassed two separate but related projects.

The HCB IDT started on March 22, 2002 and held its final meeting on June 17, 2003. A total of 24 regular meetings were held in the Tumwater area. Meetings occurred monthly through October of 2002 and were then scheduled twice a month to accommodate an expedited permitting process for the graving dock. The meetings covered a variety of topics including the following:

<b>HCB IDT Meeting elements</b>	
Timeline	NEPA/SEPA
Project design/ refinement, site information	Biological Assessment
Charter	Off-line meeting results
Key issues	Permit processes including public processes
Action item review	Resolution of outstanding issues
Resource agency data needs	Dispute resolution process
Application(s) review and submittal	Meeting evaluation and miscellaneous IDT process tracking and improvement discussions

Off-line meetings were used as a regular tool for handling specific issues that did not include the entire IDT membership. Some of the permitting issues that were raised by the IDT in both types of meetings included the following:

#### Bridge and ferry terminals

- Identification of anchor and pontoon fabrication facilities (this was an issue prior to the decision to site this in Port of Port Angeles)
- New pontoon mooring and anchor storage and disposal of removed pontoons
- Anchor placement, footprint and sea bed loss
- In water creosote structures (existing pilings at ferry terminals)
- Stormwater management on bridge and approach spans and associated impact to nearshore habitat
- Recreational fishing loss or closures (temporary)
- Eelgrass and fish/shellfish habitat (temporary and permanent)
- Operational spill prevention and containment
- Construction effects on endangered species (bulltrout, juvenile salmon, murelets, bald eagle; underwater pile driving noise to sea birds)
- Derelict fishing net removal
- Timing of construction activities to reduce impacts to wildlife
- Water quality and concrete pouring

#### Graving facility

- SEPA process for addition of graving facility
- Groundwater management (during construction and operation)
- Stormwater management (during construction and operation)
- Water quality –dissolved oxygen, turbidity
- Soils handling, and disposal including contaminated and hazardous soils and potential issues with Rayonier site
- Dredge materials handling and disposal including contaminated sediments (construction)
- Shoreline public access and trails, aesthetics, noise
- Facility flood gate design and operation procedures: fish entrapment/handling
- Timing of construction activities
- Channel design
- Mitigation for aquatic habitat losses
- Fish handling during graving site dewatering.

### **1.3 Brief Overview of SR 24 Yakima Bridge Project**

This project, officially titled SR 24/I-82 to Keys Road, is intended to provide congestion relief and replace the SR 24 bridge over the Yakima River.

The IDT convened on February 27, 2002 and was suspended in December 2002 due to project funding constraints and WSDOT's focus on drafting the Environmental Assessment. During that period, six regular meetings were held in Yakima in order to discuss the project timeline, alternatives, IDT charter, key issues, and the NEPA/SEPA process.

The IDT identified the following permitting and environmental issues:

- Floodplain problems
- Impacts to wetlands
- Hazardous materials
- Section 4(f) evaluation and impacts to public parks
- Coordinating transportation decisions with other federal, state and local planning efforts (long term flood plain management plan for project site and river)
- Environmental benefits and impacts of a northern bridge alternative/alignment
- Consideration of future environmental benefits as mitigation

By December of 2002, WSDOT informed the IDT of the following decisions related to the bridge alignment:

- Elimination of Northern Alignment as an alternative. Using information collected in 2002 and feedback from resource agencies, WSDOT eliminated the northern alternative. WSDOT based that decision on the socioeconomic and environmental impacts of that alternative.
- Add an alternative of a longer bridge at the location (south site). WSDOT determined it was prudent and reasonable to include a raised bridge profile that allows for future spanning of the flood plain at the south alignment site without requiring removal and reconstruction of this bridge project. That decision was based on initial floodplain information/studies and flood plain planning intentions by the federal and local jurisdictions.
- Wait for local jurisdictions' direction regarding long term plan and management of river. WSDOT suspended the IDT in 2002 while the local jurisdictions pursued and further defined revisions to their Comprehensive Floodplain Management Plan. This planning was developing in a direction that would likely affect the selection of a preferred alternative for the new bridge site.
- Conduct environmental analysis of new alternative. WSDOT planned to complete the environmental analysis on the new alternative while the IDT was suspended.

## Chapter 2

## Description of Evaluation

### 2.1 Who were the IDT participants?

#### Hood Canal Bridge Project

Agency	Number of Regular IDT Members	Mid-Point Questionnaire Responses	Exit Questionnaire Responses
WSDOT	10-13	10	9
Dept. of Ecology	2	2	3*
Dept. of Fish and Wildlife	2	2	2
Dept of Land and Natural Resources	1-2	2	1
Port of Port Angeles	1-2	1	0
City of Port Angeles	1	0	1
Kitsap County	1	1	0
U.S. Fish and Wildlife Service	1-2	1	1
NOAA Fisheries	1	1	0
U.S. Army Corps of Engineers	1	0	1
U.S. Coast Guard	1	1	1
Federal Highways Administration	1	1	0
<b>TOTAL</b>	<b>23-29</b>	<b>22</b>	<b>19</b>

\* Additional Ecology technical staff were involved with this project and contributed some of the “additional” feedback for this Report.

#### SR 24 IDT Participants

Agency	Number of Regular IDT Members	Mid-Point Questionnaire Responses
WSDOT	8-10	5
Dept. of Ecology	4	3
Dept. of Fish and Wildlife	2	1
Yakima County	2-6	4
City of Yakima	2-3	1
Yakama Nation	1-2	0
U.S. Fish and Wildlife Service	1	0
NOAA Fisheries	2	2
U.S. Army Corps of Engineers	1	0
U.S Bureau of Reclamation	3-4	2
Federal Highways Administration	1	0
<b>TOTAL</b>	<b>27-36</b>	<b>18</b>

### 2.2 Questionnaires

All of the respondents completed the same background questions contained in Part I of the questionnaire. This solicited information such as the various agencies’ roles on the project, the type of decision-making role of the respondent, experience on other

interagency project teams, and the longevity of involvement with this project. This information was intended to assist the interviewers with understanding and interpreting some of the feedback received.

The Mid-Point questionnaire (distributed to SR 24 and HCB IDTs) also contained Part II. This section included questions about TPEAC's One-Stop permitting process and the overall IDT experience. This questionnaire (containing Parts I and II) was distributed to the IDTs in December 2002. At that time, the HCB project was finishing most of the permits for the bridge and ferry terminals and just beginning the permitting phase for the added graving facility component of the project. Also at this time, the SR 24 IDT had undergone early agency involvement on determining key environmental issues/impacts between the original set of alternatives and contributed to the final selection of alternatives for consideration.

The "Exit Questionnaire" was distributed to the HCB IDT in June 2003 and it contained identical questions to the Mid-Point Part II plus some added questions for clarification of topics such as the issue resolution process, permit schedule and project outcomes. Identical questions were asked in this follow-up survey to measure if answers/opinions changed over time. Additionally, Part III was added to capture perspectives at the end of the process and solicit more information about how the IDT functioned and how the permitting process could be improved. Most of the questions contained both a rating component and an opportunity for written comments on the subject.

*Please see Appendix 1 for the total list of survey questions.*

## **2.3 Debriefing**

Part of this evaluation process included collecting in-person feedback from the IDT members after reviewing the questionnaire. The debriefing session with the full IDT was intended to collect additional perspectives, allow for clarifying questions, and to allow for group interaction about the experience. For the HCB IDT, this was held on June 17, 2003. Fifteen regular IDT members attended the debriefing. This is a comparable number to the nineteen Exit Questionnaire respondents.

## **2.4 Clarification conversations**

The authors of this report also talked separately with the WSDOT's HCB project staff, the facilitator, and other IDT members. Notes from those discussions were collected and also used to assist with interpretation of some of the questionnaire answers.

## **2.5 Limitations of the evaluation**

Although this evaluation collected a large amount of data, it is not intended to be a scientific analysis of the process. It's scope was limited to providing as much feedback as possible about how an evolving streamlining process was applied to two pilot projects. To this end, the Exit Questionnaire contained additional questions in order to capture a broader range of results from the pilot projects.

The IDT questionnaires and this report were modeled after a similar study that had been designed by a professional "usability test" consultant. Nevertheless, the authors of this



evaluation acknowledge the limitations involved with missing feedback from the public and applicable agencies and organizations that were not able to participate on the IDT. Also, none of the survey respondents provided information in a “controlled” type of setting. The variation in level of involvement, expertise, decision-making role and general mood of the respondents have not been fully taken into account. The duplicative questions in the Mid-point and Exit Questionnaires were designed to address some of this potential “noise” in the data.



### **3.1 General Impressions and Overview of Comments**

#### **3.1.1 Hood Canal Bridge**

There was general consensus that this was a very complex project on a very fast time line. The goal of permitting the project was accomplished. There was a uniform recognition that the timing parameters and complexity of this project made a less than ideal model or pilot to adequately assess the proposed “one stop” permitting process. However, many IDT participants identified numerous net benefits from the use of the IDT for the permitting process. This feedback is, in part, captured with the following responses.

*“There was no streamlining, but there was a positive outcome of completing the process without much delay.”*

*“There is more open communication, freer exchange of information, and agencies are learning more about other agencies’ concerns, areas of regulatory control, and information requirements.”*

#### **Overall Benefits**

The IDT’s well-skilled facilitator was acknowledged and appreciated by all. There was a great deal of collaboration (particularly between state and federal agencies) and effective communication that took place. Resource agencies indicated that the general understanding of the project was greatly enhanced by listening and participating in IDT meetings. Most respondents indicated that there was a lot of value in addressing the *people-oriented* processes as well as the *project-oriented* procedures. Although this requires a “go slow to go fast” philosophy, many comments indicated that the \$20 million graving dock project was permitted in only six months due to the previous groundwork for a collaborative process.

Some WSDOT respondents reported that the team worked well to approve a location of the mitigation. There were also comments from the resource agencies that permit overlap/duplication was reduced due to the collaborative attention given to the avoidance and minimization of project impacts.

#### **Overall Drawbacks**

There were comments that indicated that the IDT should have convened earlier in the project timeline and the pre-application process should have been more thorough. WSDOT mentioned that there was an initial slideshow presentation to some resource agencies in 2000, but there was no follow-up (by WSDOT or others) until the project became a TPEAC pilot in 2002.

Resource agencies reflected upon the difference between early agency involvement in the project and early submittal of applications and initiation of formal ESA consultation.

These respondents were clear that discussions and negotiations about the project design were valuable (i.e. during the time of project definition), but this should occur well before permit applications are drafted and Section 7 consultation is initiated. Otherwise, the reported timeline for permit delivery reflects the entire process of reviewing and analyzing impacts instead of the time between complete application and permit issuance.

Some WSDOT respondents voiced a perspective that the IDT is a double-edged sword because efficiencies can be gained by discussing the project and its impacts in a multi-agency forum, but the resource agencies can also portray a “gang mentality” whereby an issue is escalated from one agency’s questions into everybody’s concerns.

Everyone admitted that this was a major drain on staffing resources for most of the agencies involved. This was attributed, in part, to meeting topics that could have been addressed in smaller groups (“off-line”). Also, the schedule and demands placed on this permitting process made it difficult for agencies (including WSDOT) to coordinate input and responses from technical staff as quickly as was expected.

### 3.1.2 SR 24 Yakima Bridge (General Impressions)

The Questionnaire results from this IDT were limited in scope due to the early stage of the project relative to the permitting stage that was referenced by most of the questions. The responses indicated that everyone appreciated the opportunity for earlier design involvement but that the roles and responsibilities of IDT members were not clear.

*“This process brings all affected parties together so they can hear the same information.”*

*“It is a good mechanism to ensure proper analysis and documentation prior to permitting/ESA consultation.”*

*“The IDT process was not well defined and TPEAC was not well understood by field staff of WSDOT. Agency expectations were not always realistic and WSDOT’s response to those expectations were not clear as to what WSDOT could and could not do. Defining boundaries to the process came later after expectations had already been established – causing confusion for those involved. The project was successful in getting the right people/agencies in the right place.”*

Some noted that this early involvement reflected a real attempt to address permitting issues during the design of the project. The result of this process for SR 24 was the evaluation and conclusion that one alternative location for the bridge replacement should be reconsidered and another alternative should be rejected.

## 3.2 Comments on Key topics

### 3.2.1 IDT Structure and Process

#### Hood Canal Bridge

Numerous questions in both questionnaires focused on the timing of the IDT, charter development, team composition and quality of regular meetings and off-line meetings.

There was an overall consensus that some key players were not present at critical times. Every respondent who commented on this issue mentioned the absence of the tribes, particularly with discussions related to the Graving Dock. Some respondents also commented that Jefferson County and the Army Corps of Engineers were missed for certain parts of the process. Jefferson County reported that they did not participate due to a lack of staff resources, distance to the meetings in Olympia and a general perspective that the other resource agencies would adequately address the environmental impacts associated with this project.

There were a few questions raised about whether the process was cost effective or not (in terms of staff resources). It was recommended that more of the meetings such as parts dealing with fish issues could have been handled in off-line meetings in order to reduce the burden on other agencies. There was general agreement that HCB IDT meetings were well facilitated (group was kept on-task) but that off-line meetings needed to be used more, better recorded and reported to Team members.

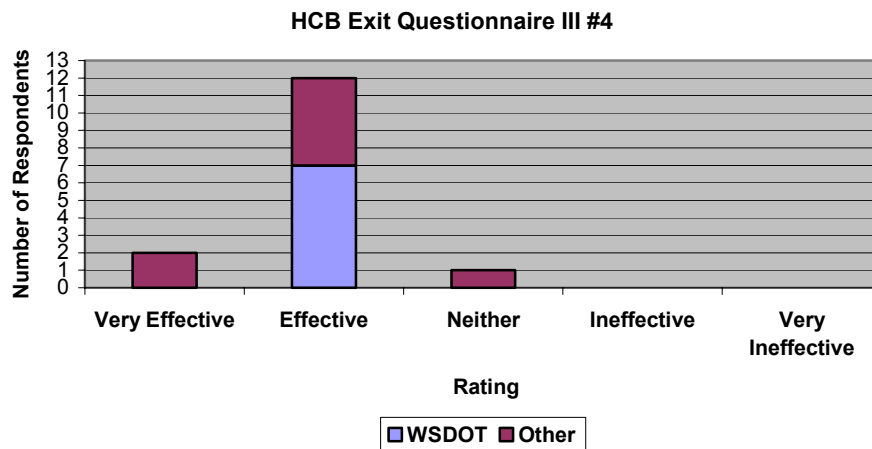
Specific feedback on improving representation on the IDT included the following:

1. *It is unclear whether the right people representing their agencies were there. This is a little tougher but we had examples of good representatives and bad representatives. Should there be a mechanism for getting the effective, productive representatives?*
2. *I think that some participation from public interest groups would have been beneficial, especially in the first half, when public review opportunities were being scheduled and the NEPA/SEPA process was occurring.*
3. *WSDOT should work to get agency representation before the first IDT meeting and check several times during the IDT process to evaluate the need for additional participants. Also, the IDT (or WSDOT) must develop a strategy for backfilling that gap in the event that invited agencies are unable to participate.*
4. *These are commitments that would have to be mandated very high up at both the State and Federal levels.*
5. *Schedule off-line meetings with missing agencies with reports back. Look for other venues to discuss issues such as Corps of Engineer Pre-application meetings and incorporate these as off-line meetings.*
6. *The IDT should include a diversity of stakeholders, not just permitting agencies. DNR, the Tribes, and perhaps EPA is included in this list of interested parties regardless of the type of permit or authorization required from them.*

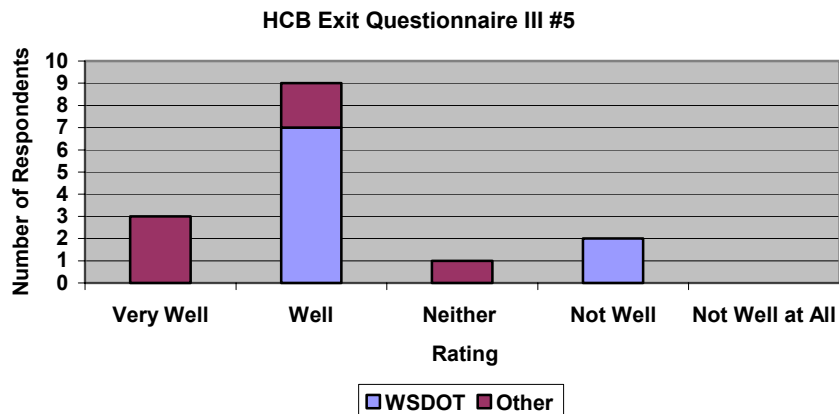
7. *The project managers should identify and continue to coordinate with the most appropriate permitting staff contact at the local government level.*

The Exit Questionnaire respondents rated their own participation positively and evaluated the “performance” of other participants a bit less positively. Question III #4 and 5 addresses this feedback.

Question: Part III #4: ***Rate/evaluate your own role on the IDT as far as communicating your agency’s perspectives and keeping your agency appropriately informed and engaged.***



Question: Part III #5: ***Rate/evaluate how other agency participants on the IDT met the needs of the process.***



#### Comments

1. *I think most participants were committed, but we did have problems with completing assignments between meetings.*
2. *I think it would be easier to give IDT participants more tools so they don't have to spend as much time on developing the process.*
3. *Some worked very well such as Fish and Wildlife.*
4. *Some agencies didn't send decision makers.*
5. *It was very key to success of this project to produce permits that could withstand appeals and have the highest flexibility that could be provided. In light of this, a high level of biological expertise was essential in this project.*

6. *WSDOT real estate office should have participated in a few meetings, in order to stay informed about the schedule and issues.*
7. *The State agencies were particularly well represented by their best technical and administrative people.*
8. *Some participants were too junior to give prompt responses about policy and specifics.*
9. *It didn't seem to me that IDT members spent much effort discussing the project with their agency.*

### Value of Technology Tools

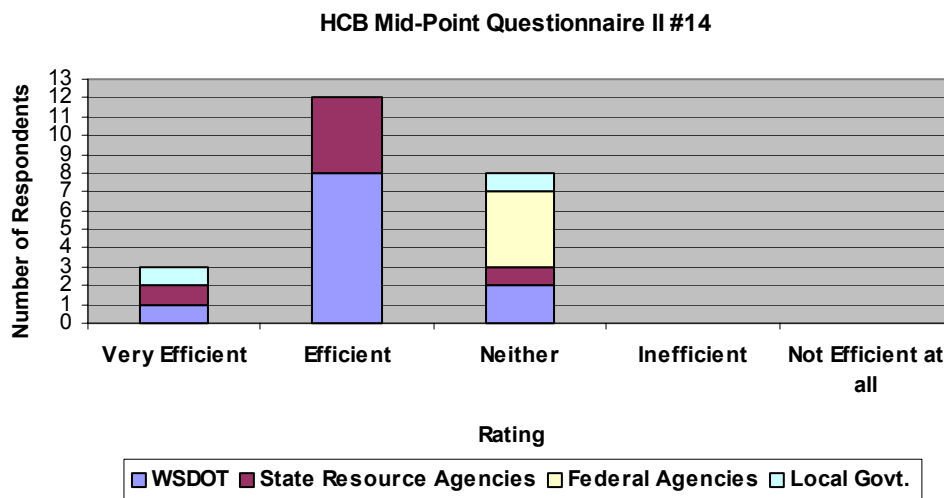
The IDT was asked if the permitting process would benefit from additional information technology tools. A clear majority of respondents, particularly those from state resource agencies, supported the use of more electronic tools. A few comments from the Mid-Point Questionnaire articulated the desire for additional information:

*"The IDT could benefit from regular electronic messages to members for assignment reminders, updated e-mail/contact lists etc. There should be a single electronic file with the whole project description, including links to specific detailed information in related reports and a sorting tool that allows readers to extract specific information needed for individual permits."*

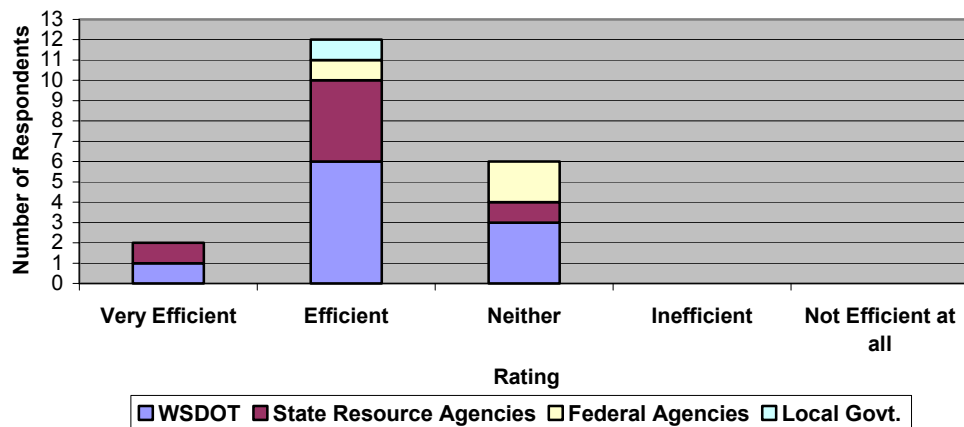
*"A project website is needed that includes all NEPA/SEPA, Biological Assessments, Decision Document Summaries and transportation planning information that establishes the deficiency or need for the project."*

Additionally, the results of survey question Part II #14 are separated into four categories: WSDOT; state agencies; federal agencies; and local government, to illustrate the different responses between each of these groups of IDT participants.

Question: Part II #14: ***Rate the anticipated added efficiency of having access to electronic information and electronic management tools.***



**HCB Exit Questionnaire II #14**



Comments:

Respondents “voted” for any, all or none of the following types of electronic information (total of 19):

1. General electronic communication for IDT (13 votes)
2. Project management tools (such as schedules) (12 votes)
3. Project website containing project and IDT information documents (11 votes)
4. Reports requested by agencies (as PDF or Word) (11 votes)
5. JARPA application (11 votes)
6. Unified Permit (10 votes)
7. Compatible software between all agencies (10 votes)
8. Data layers to support analysis (9 votes)
9. Other: “electronic permits” (2 votes)

### **SR 24 Yakima Bridge (IDT Structure and Process)**

The respondents identified the Army Corps of Engineers, Tribes and NMFS as agencies that were needed, but not represented on the IDT. The importance of defining the group process (charter, issue resolution process etc.) was not reported as being as important or successful as it was for the Hood Canal Bridge IDT members.

*“Group or IDT charters and mission statements may not be necessary but agency regulatory requirements, goals and missions are. Transportation agency goals and mission and projects purpose and needs should be the driver.”*

Some respondents reported that the overall coordination of the IDT as well as the facilitation was not as effective as it should have been. Associated with this was a general sense that the level of collaboration and cooperation was fairly low.

## **3.2.2 Permitting Schedule**

### **Hood Canal Bridge**

The HCB IDT attempted to fit a new undefined multi-agency permitting process into a pre-determined permitting schedule. A major component of this was the assistance of the IDT in preparation of one Joint Aquatic Resource Permit Application (JARPA) that was intended to meet the needs of all applicable agencies. The JARPA for the bridge portion



was discussed in detail for numerous meetings but the graving dock permitting process was under a tighter deadline, so there was not an opportunity nor the desire on the part of WSDOT for a similar coordinated review of the draft JARPA by the IDT.

*“I felt that the master timeline and schedule were developed before many critical decisions had been made and before agencies could commit to a timeline. I think environmental issues needed to be explored to better understand each agency’s concerns/requirements before the schedule was developed.”*

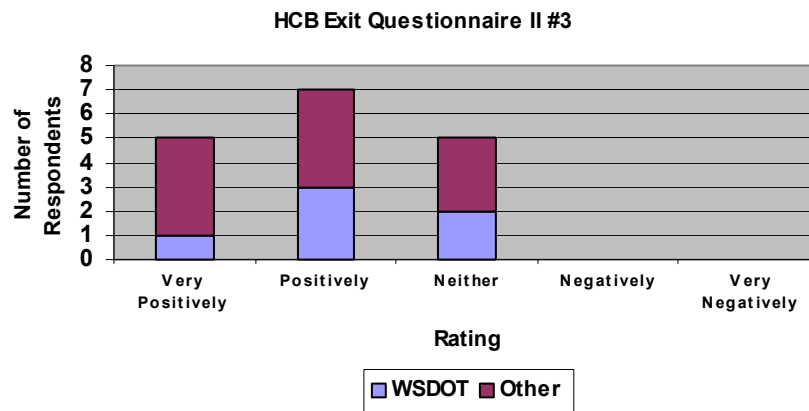
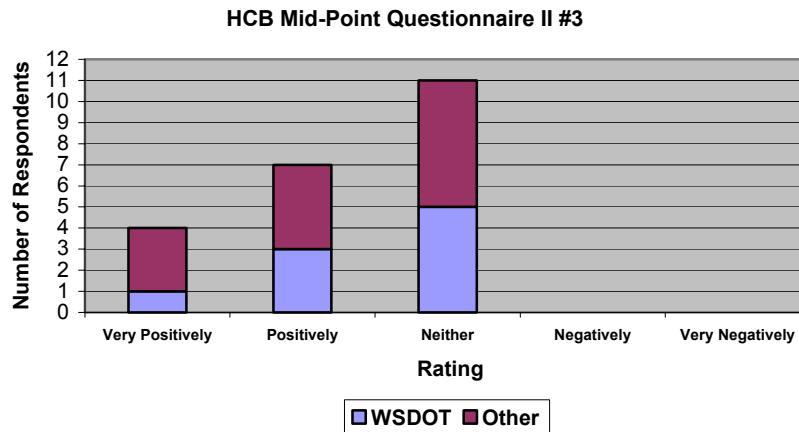
WSDOT commented that the resource agencies were unable to change their ways of doing business, as far as the permitting schedule was concerned. Conversely, resource agencies felt that the Project’s timeline was unreasonable given the constraints of the regulatory process and WSDOT could not get decisions made fast enough (e.g. three months to decide on Graving Dock). Some agencies also reported that they did not receive requested information in a timely manner, such as Ecology’s request for the soil contamination analysis and handling plan, and the Biological Assessment addendums for USFWS and NOAA Fisheries.

The informational requirements of resource agencies necessitated a detailed schedule for both WSDOT and the permitting agencies to keep on target. The project managers/facilitator tried at least three different schedule formats. Some of the feedback encouraged the use of two formats –one for individual permit processes (see Appendix 2) and one for the overall project timeline (See Appendix 2 for a sample of this scheduling tool).

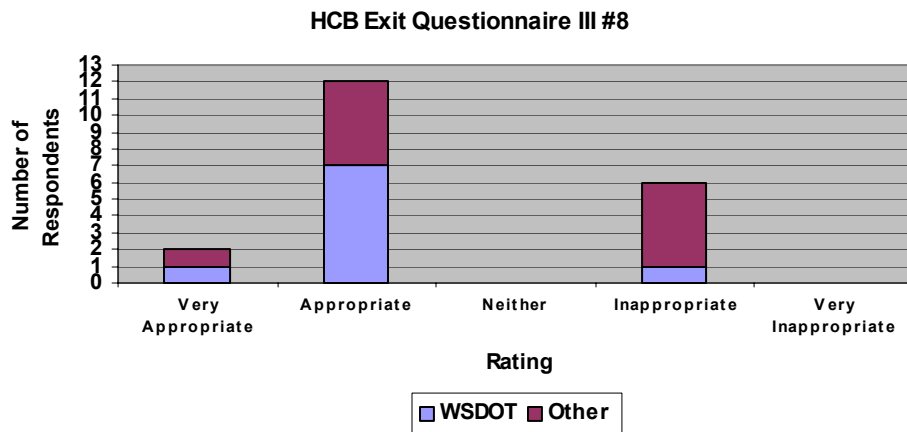
*“The permit time schedules were very helpful because we had interim check points to see if issues had been resolved or if WSDOT responded in a timely fashion to our requests. The schedules reflected how unresolved issues and untimely responses would affect the whole timeline by pushing the target date further out. It also showed how unresolved issues with one agency could affect the schedule of other agencies. Unfortunately, this type of schedule-keeping was not carried forward to permit the Graving Dock.”*

There were also numerous comments on the format of the schedule. Most respondents requested electronic and hardcopy versions (distributed at meetings) in order to revise the schedule during meetings and also easily distribute it to other agency staff if necessary. Specific feedback included the following:

Question: Part II #3: *Rate/evaluate the influence on the process of the IDT's participation in setting a master timeline and schedule.*



Question: Part III #8: *Rate/evaluate whether the permitting schedule contained an appropriate level of detail related to interim milestones and other important points of information exchange.*



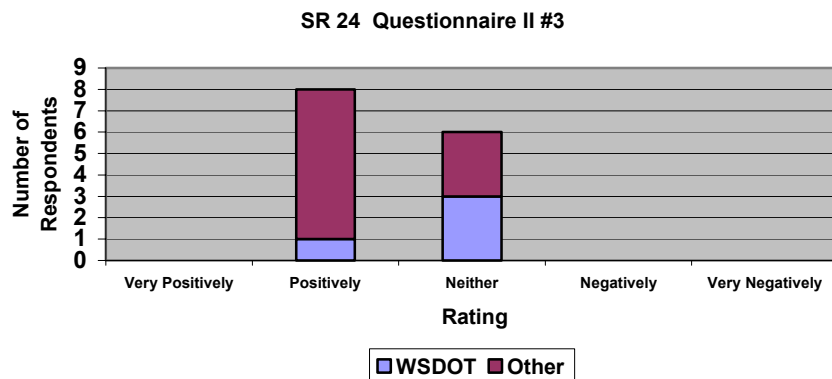
Comments:

1. *For the second half of the project, most interim milestones for the 401 were left off the schedule. As a result, the overall schedule for the 401 was not met. Important interim checkpoints must be included and checked.*
2. *It was tailored to the existing permitting process and had very little to do with the needs of the project or the objectives of TPEAC.*
3. *The schedule needs to correlate more with the outstanding issue lists in order to help maintain a realistic picture of the permitting timeline.*
4. *The Corps' needs for review and processing times were not accurately reflected in the schedule.*
5. *A bit unwieldy as it had to encompass all the issues of all the agencies, but it did graphically depict the big picture which was quite useful.*
6. *I think the schedule was a motivator to some degree, it helped me stay on track and convey urgency of timeline to management.*
7. *Even though the schedule was updated and revised, it helped to plan what was needed to meet AD date.*
8. *Schedules help set priorities and shuffle workloads. However, they must be realistic and WSDOT needs to understand that the permitting agency is not bound by the schedule. Participation on an IDT means that we will try our best to meet the schedule, but that the schedule is not a contract. The schedule must be visited every meeting with everyone being asked if they have any information that might cause a change.*
9. *If the schedule is changed, the meeting minutes should reflect the reason.*
10. *The schedule needs to be linked to timing the resolution of outstanding issues as well.*
11. *A better scheduling software is needed and all agencies should be using this tool, not just a couple.*
12. *Starting the IDT earlier in the project will help the schedule and timelines.*
13. *We need to integrate the permit information, permit submission, permit hand-offs, and the overall project schedule with the permit schedule.*
14. *More telephone communications and follow-up with Team members who miss a meeting.*

**SR 24 Yakima Bridge (Permitting Schedule)**

At the time of the Mid-Point Questionnaire, the SR 24 IDT did not have the opportunity to develop a permitting schedule. However, they were able to evaluate the scheduling work that had been done to date. The results were consistent with responses in the Hood Canal Bridge IDT.

Question: Part II #3: ***Rate/evaluate the influence on the process of the IDT's participation in setting a master timeline and schedule.***



### 3.2.3 Permitting Process

#### **Hood Canal Bridge**

As a TPEAC Pilot Project, the HCB project managers attempted to apply three major components of the adopted One-Stop Permitting Process to its tight permitting timeline. These included the formation of the IDT to carry-out a collaborative unified permitting process, the drafting of a “Unified Permit Application”<sup>1</sup> by WSDOT, and the use of a issue resolution process in order to “resolve disputes in a timely fashion.”

There were numerous comments asserting that the concept of a Unified Permit Application, as interpreted by the project managers, was not applicable to this project due to the multiple jurisdictions with numerous unique requirements. Many respondents indicated that this interpretation of the proposed “One-Stop” streamlining step should be removed from or at least amended in the process because all agencies have different goals, requirements, and measures of success.

*“The IDT approach to developing the project from the early stages right through the cooperative layering of permits worked very well and resulted in the most timely permitting of a major project that I have ever seen. It did not turn into a one permit process, but instead resulted in something better – a cooperative permit process.”*

The permitting process for the HCB was particularly thorny due to the addition of the Graving Dock and the interdependent nature of the various authorizations.

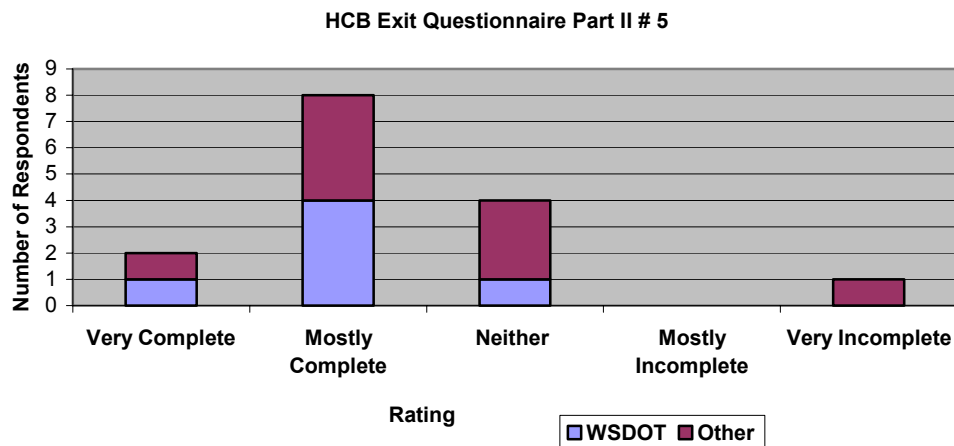
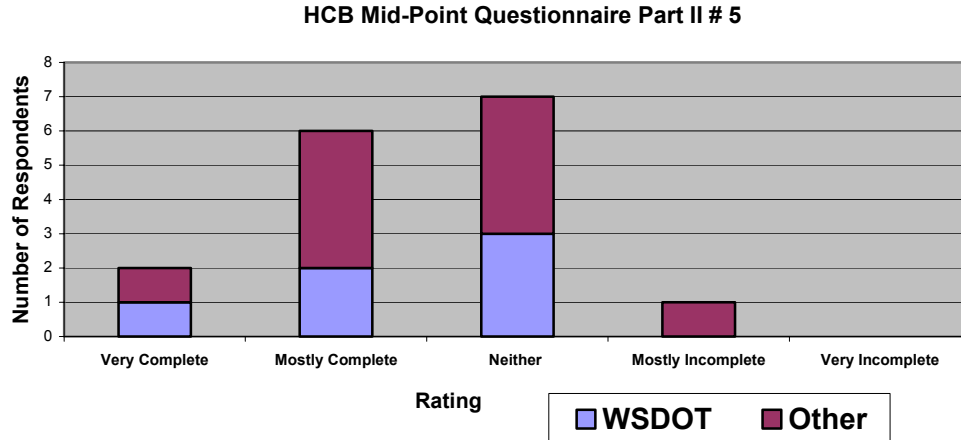
*“Many permits were dependent upon other permits. For example, Army Corps Section 404 permits needed the Coast Guard permit and ESA Biological Opinion. Coast Guard permit needed BO, CZM and 401 water quality certification. The Biological Opinion needed finalized mitigation measures finalized in the HPA. DNR needed all the permits for executing aquatic use authorizations. “*

The determination that a permit application was complete marks a significant milestone in the permitting timeline. Survey responses to Part II # 5 and 6, and Part III #11 provides some feedback on this issue. The written comments indicate that the ratings and resulting graphs represent an evaluation of the information exchange process that lead to the permit issuance –rather than a rating of the content of the initial permit application.

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<sup>1</sup> The concept of a “unified permit application” was interpreted by the HCB IDT differently than was envisioned by the One-Stop Permitting Subcommittee. The proposed definition for TPEAC approval involved the concept of a unified application process whereby the completed applications and supporting documents would be housed in one binder to provide a complete package of project and site information. The HCB project managers interpreted this to mean that they should attempt to meet all permit application needs by completing one master application. They attempted to use one version of the Joint Aquatic Resource Permit Application to serve many of the agencies’ permit application needs.

Question: Part II #5: *Rate/evaluate the level of completeness of the project's permit applications.*

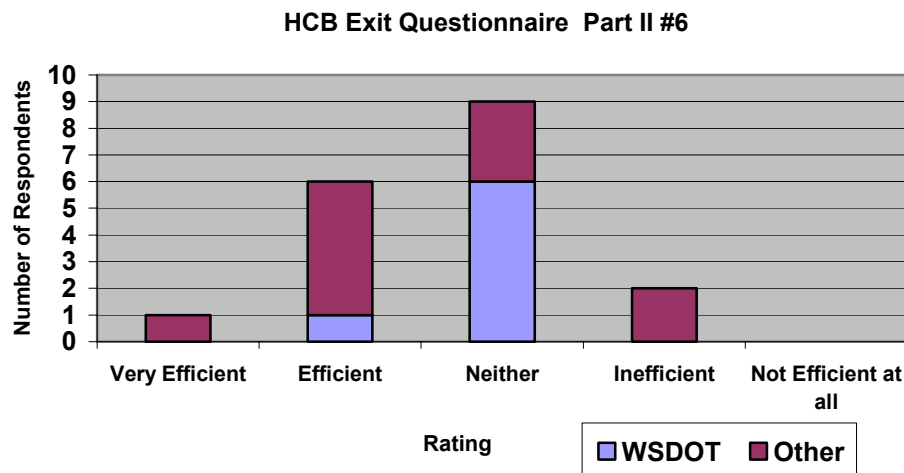
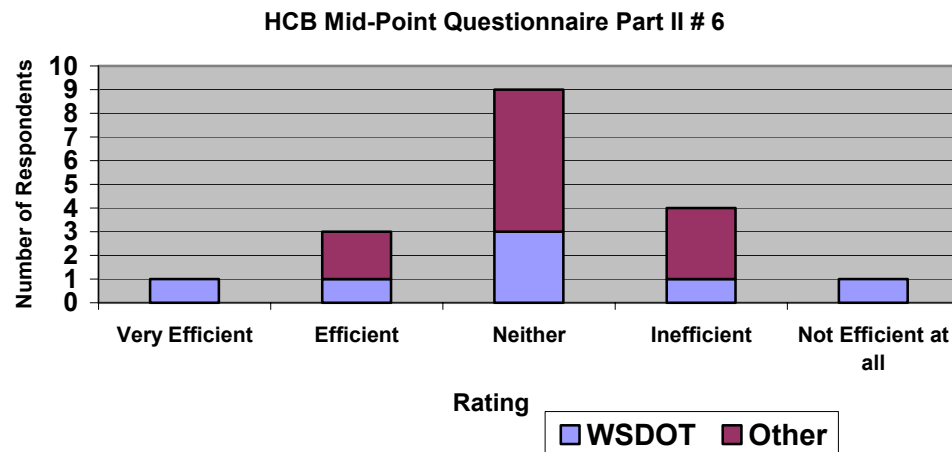


Comments:

1. *Final amendments to the Biological Assessment (BA), which included analyses of a previously unrecognized eagle's nest, was not received until 14 days before the (ESA Section 7) Biological Opinion was due. Early versions of the BA were missing significant components of project.*
2. *After the Staff Report was issued for the Kitsap County permit, WSDOT wanted to negotiate permit conditions. The timeline made it impossible to pull the permit back for additional review. Even after the permit was reviewed, additional components were added. And long after the permit was issued Kitsap County received a "revised" JARPA and Environmental Documents. Should this permit have been appealed, these issues would have been very troublesome for WSDOT and put Kitsap County in a difficult position.*
3. *Although the agencies did work with WSDOT to get the needed information inserted in the applications, there was still a lot of information that was missing and not yet available*
4. *We should forget about one application and provide application as per agencies requirement.*
5. *Eventually it was complete, but it took a lot of work to get there.*
6. *There was very little supporting data or research to backup proposed mitigation and conditions, it was usually based on personal opinions.*

7. *There seems to be a perception that resource agencies make determinations on whims. While environmental systems are complex and all the variables may not be completely understood, there is underlying science to the concerns expressed by regulatory agencies.*
8. *The answer to this depends on one's definition of complete. If it includes everything needed to process an application and write a permit, then they were mostly incomplete. If it simply means sufficient information to start the process, then they were sufficient for us to identify additional information needs. One probably first needs to agree on which one we are striving for because that will play a key role in developing the timeline.*
9. *The alternatives analysis for the 404(b)(1) evaluation was poorly documented. The process had occurred over a long time frame (longer than the IDT), but had not been documented by WSDOT, so that when the information was needed for permitting it was not readily available. Also, some other issues such as the level of public controversy could not have been anticipated or responded to until the Public Notice was issued.*

Question: Part II #6: ***Rate/evaluate the efficiency of the overall process for submittal of applications for the project.***



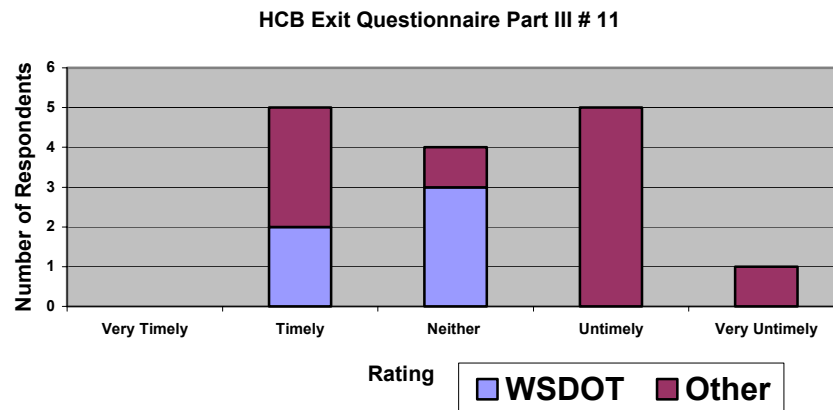
#### Comments

1. *Calling together the ID Team earlier in the process would have been beneficial. Early involvement is an existing tool that could have been used to streamline permitting more. If at the Pre-SEPA or NEPA stages, agency and public scoping meetings are held where the purpose is to identify resources, concerns and issues as baseline for environmental review and permitting, expedited*

permit review could be facilitated. Advance mitigation or mitigation banking opportunities could be identified.

2. The application process was inefficient because the project was not defined well enough to initiate Section 7 Consultation. A lot of time was consumed by pursuing “programmatic approach” prior to the identification of the P.A. graving dock site.
3. It appeared inefficient since each agency asked that their application forms be used.
4. This was inefficient due to the lack of location for pontoons and anchors and decision about Port Angeles or not.
5. Overall the process was efficient considering the constraints under which it operated such as a late start in the process.
6. We should forget about one application and provide application as per agencies requirement
7. This was inefficient because the fish issues of the project appeared to cause considerable delay to the entire process, which might have been expedited had they been resolved first.

Question: Part III #11: **Rate/evaluate the Timing of the Permit Application Process to Allow for Review.**



Comments:

1. The applications were not complete from agency standpoints and additional information was requested. Considering the complexity and changing nature of the proposal overall, the process was in my opinion timely. We worked collaboratively to produce a product on time with resource protection measures incorporated. This met the spirit if not the format of TPEAC.
2. As previously mentioned, some aspects of project implementation became more detailed, which in turn raised more concerns. However, this is fairly normal
3. It is important to remember that the Corps' permits and process really occurs at the end of the process. Many things need to be completed before the Corps can finish the review of the permit application and/or issue – e.g. ESA consultation, Section 106 review, etc. Final permit decisions require more than a completed JARPA, drawings and a project description.
4. Bridge HPA not completed in 45 days. During draft HPA negotiations there was too much DOT delay in responding to WDFW re-drafting of the HPA. Graving HPA was better and timed.
5. The addition of the graving dock work late in the process made for a very tight schedule. This is not over stated
6. Ecology always felt like they were under pressure to provide very quick reviews. One time we were asked to provide a less than 24 hour review turn around time. Review times must be incorporated into the schedule and agreed upon. Part of the success of meeting a review schedule is getting the document at the time it is promised.
7. The ESA consultation timing was too compressed.

### 3.2.4 Project Description and Issue identification

#### **Hood Canal Bridge**

Many IDT participants reported that the “Four Questions” assignment, related to the Graving Dock permitting process, was very useful. These questions included the following:

**1. Who else from your agency needs to be involved?**

- responses included the names of habitat biologists, policy people, supervisors for issue resolution, technical staff, chain of permit review and approvals.

**2. Prioritize your information needs that will support preliminary drafting of your permit conditions. If the information were to be submitted sequentially, could you tell us what you need first, second, third?**

- responses included: a request for design specifications; mitigation options; ownership boundaries; specific photos; environmental baseline; project description; etc.

**3. What portions of the permit can WSDOT draft?**

- responses included: the stormwater site plan; details on BMPs; monitoring and contingencies; a “really good” cumulative effects analysis; etc.

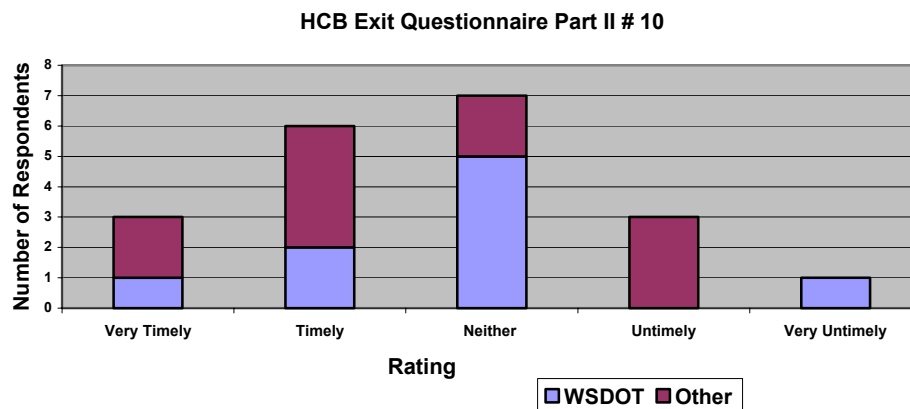
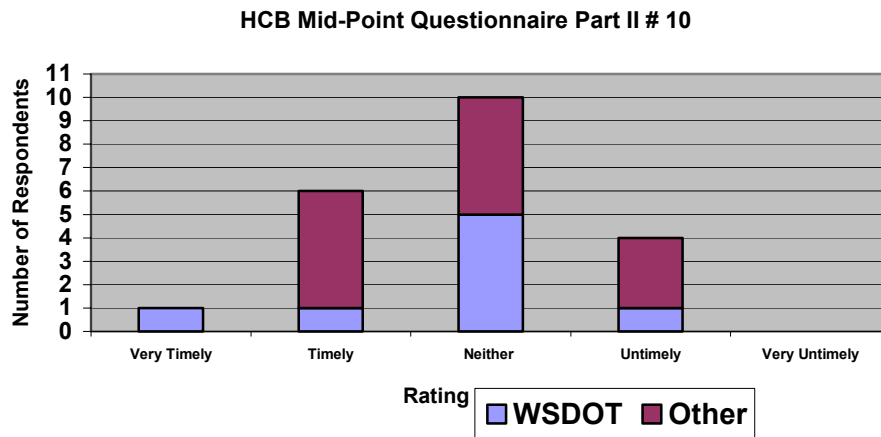
**4. To what extent can we support coordinated public review on this part of the project?**

- responses included: combine 404 and 401 notice and follow-up on Tribal coordination.

The survey respondents also commented on the timing of both the identification and resolution of environmental issues related to the permit process. There is a similarity between ratings of issue identification (#10) and resolution (#12) (note that this issue “resolution” might or might not reflect issues that were resolved through the formal dispute resolution process). The results of these questions are as follows:



Question: Part II #10: *Rate/evaluate the timing of the identification of environmental and permit issues.*



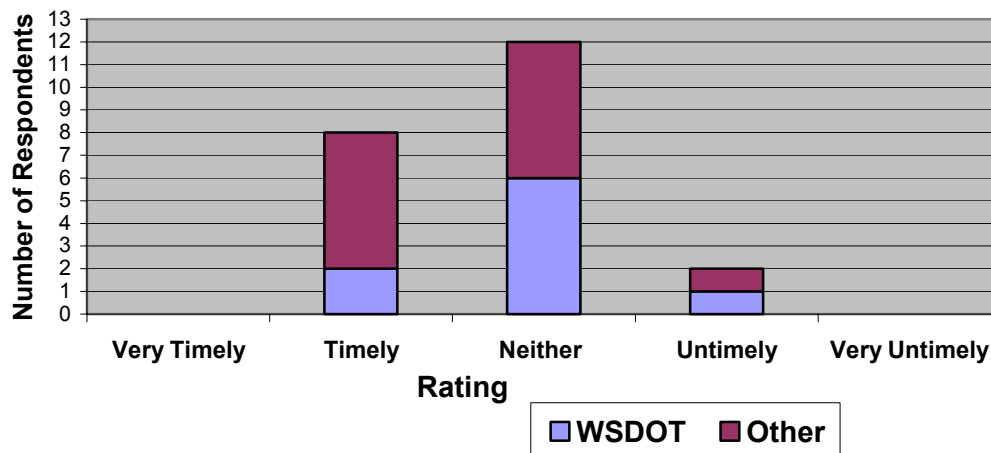
**Comments:**

1. *Some significant portions of the project were not finalized until very late in the permitting process. Earlier project design is needed to improve this process.*
2. *Earlier involvement of the ID Team for the bridge would have facilitated the identification of permit and environmental issues more rapidly.*
3. *Environmental/permit issues should have been identified before timelines were set.*
4. *The mitigation sites/plans for both the graving dock and the bridge should have been decided with a better process. The IDT needs to recognize and include DNR in mitigation site selection.*
5. *WSDOT did not seem to understand the priority of providing soil disposal information as it relates ultimately to the permit conditions and permit decision. It seems this could be improved by strongly linking these expectations to dates on the timeline.*
6. *More side meetings are needed with the agency and person who actually responsible to issue permit should be invited in the early stages.*
7. *A change in statute is needed to improve this process.*
8. *Some issues were identified early, others were not. For example, if the concerns about contamination on the Rayonier Mill site had been identified early on, then the site might not have been included in the Public Notice and the project might not have generated quite as much controversy.*
9. *A better defined and focused jurisdiction of each agency would greatly help.*

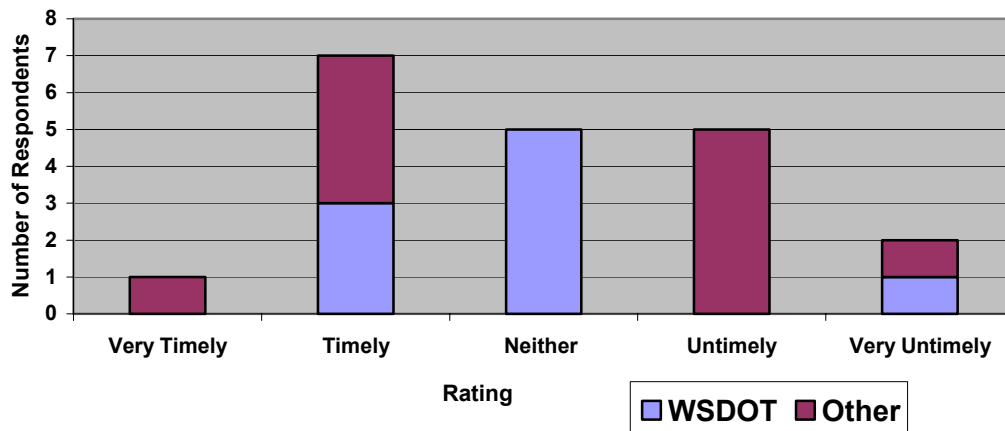
10. As an aquatic project in the Northwest, the fish issues dominated this process. The lack of resolution for this delayed everything else. Fish issues must be met early for the process to be efficient.
11. The IDT helped, but it needed to happen prior to the initiation of the ESA consultation.

Question: Part II #12: ***Rate/evaluate the timing of the resolution of problematic environmental and permit issues.***

**HCB Mid-Point Questionnaire II #12**



**HCB Exit Questionnaire II #12**



Comments:

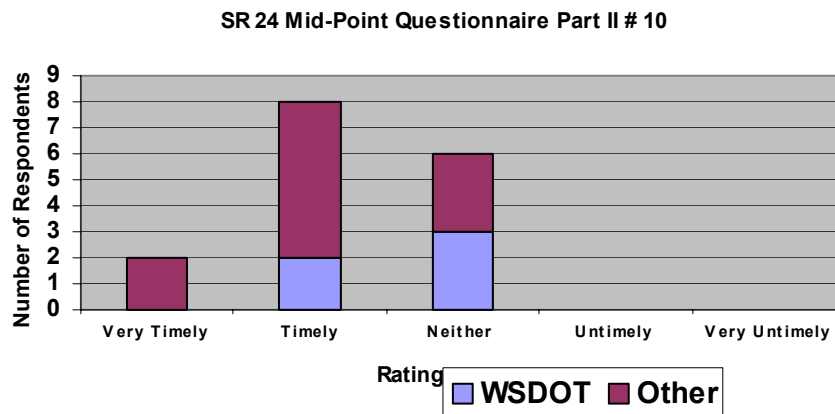
1. This was one of the big benefits for me from the IDT approach.
2. Need to use dispute resolution process.
3. There was impressive response by mid and upper management at both Services, FHWA and WSDOT.
4. A number of issues had to be dealt with at the end of the process because the data/information was not available. Timelines for issues should be included in the overall timeline or in the unresolved issues list.
5. Issues related to the 401 certification for the graving dock were not resolved in a timely manner. Consequently, the focus of the problem became the sharing of the draft permit instead of efficient issue resolution and final permit issuance.
6. This issue of spill response on the bridge was never resolved.
7. The soils characterization at the graving dock was very untimely and inadequate.

8. *WDFW keeps swimming around in circles and has a hard time moving ahead.*
9. *Fish issues were not coordinated early enough in the process. They seemed to have occupied 90% of the agenda.*
10. *Off-line meetings could have been more effective for resolving issues if they were better organized (with an assigned point person) and accurately recorded (and notes need to be approved by participants) in order to avoid misunderstandings about if and how issues were resolved.*

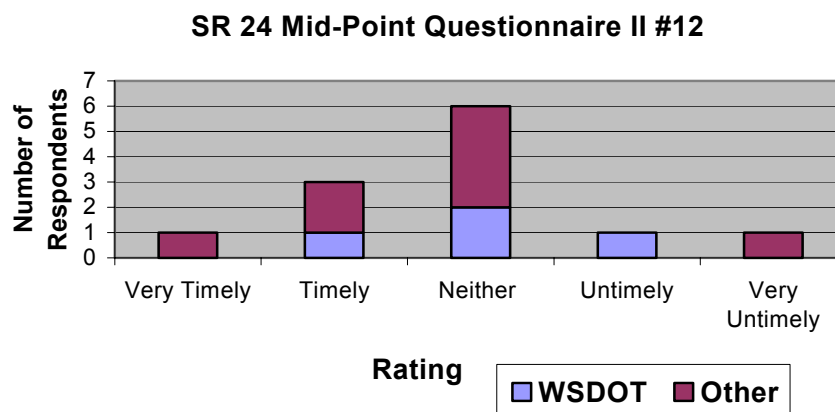
### **SR 24 Yakima Bridge (Project Description and Issue Identification)**

Although this project did not reach the permitting stage, discussions about environmental and permitting issues were raised and discussed. The difference between how respondents rated the identification (#10) and resolution (#12) of issues could be a reflection of the project stage or the function and structure of the IDT.

Question: Part II #10: *Rate/evaluate the timing of the identification of environmental and permit issues.*



Question: Part II #12: *Rate/evaluate the timing of the resolution of problematic environmental and permit issues.*



### 3.2.5 Dispute Resolution Process

#### Hood Canal Bridge

There was general agreement that the development and use of an approved issue resolution process was important for this project. The HCB IDT adopted its own “Issue Resolution Process,” but only after a dispute had arisen and it was clear that the adopted TPEAC process was too lengthy and cumbersome to apply to a pending Hydraulic Project Approval (HPA) dispute.

*“We spent a lot of time discussing how a dispute resolution process would work because we really didn’t have one established that was workable nor was the one developed for HCB really workable either. In the end, I don’t think anyone was fully satisfied with the dispute resolution process although there were disputes that did get resolved and without moving very far into this “formalized” process.”*

See Appendix 3 for a diagram of the HCB Issue Resolution Process.

There were different interpretations about exactly when and if an issue entered into the formal issue resolution process, nevertheless, the HCB IDT members were generally supportive of how the process was implemented for two identified issues:

1. *Subject of the dispute was whether WDFW could apply its rules to protect herring spawning site from oil in stormwater in the HPA. The process that was used paralleled the existing informal appeal process for HPA’s. The Agencies decided which managers would be involved in dispute resolution. The process was elevated to one step above permitting staff (IDT representatives). Resolution was achieved when WDFW received specific stormwater estimates that anticipated that the amount of oil entering the aquatic habitat at the site did not necessitate the proposed conditions.*
2. *The second dispute involved the draft terms and conditions from Biological Opinion issued by the U.S. Fish and Wildlife Services and NOAA Fisheries. This issue was elevated but resolved before the agency heads were involved.*

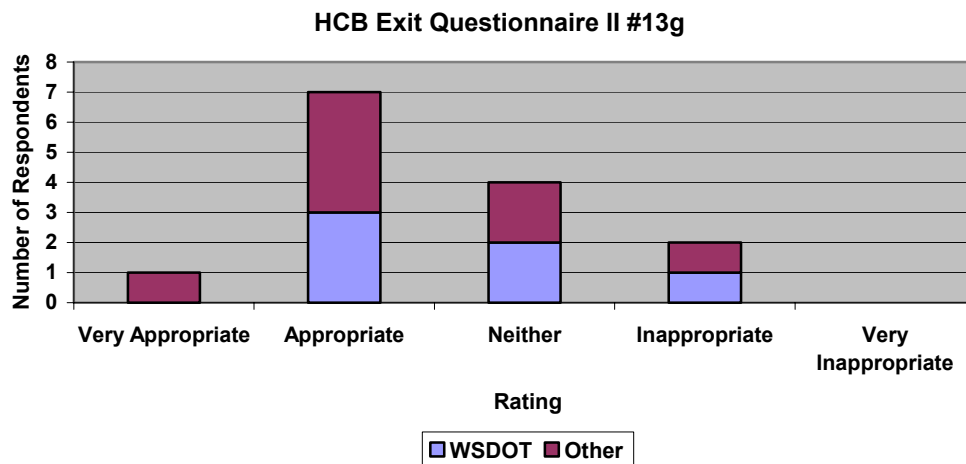
The IDT reported that more issues (ranging from information requests to permit conditions) might have benefited from the application of the issue resolution process. Some were hesitant to use it because of a perception that it would take more time to resolve issues if agency managers needed to be involved. One agency reported that the issue resolution process was delayed for four weeks due to scheduling conflicts at the supervisor/manager level. Respondents recognized the fact that disputes over potential permit conditions, such as stormwater outfall in the HPA, can be avoided if necessary data is made available upfront.

Reported problems in the HCB Issue Resolution process include:

1. *Disputes used too much time during the IDT meetings.*
2. *The process should have been agreed upon at the start of the IDT process, not when a conflict arose. This led to some confusion and lack of full support for the process.*
3. *The group was hesitant to use it. This delayed many decisions on critical issues.*
4. *Disputes should be elevated through the steps more quickly*
5. *There was too much ownership of the issues both by WSDOT and the resource agencies. Perception was win/lose, not correct solution.*

6. *The IDT-adopted process is inefficient once the issue is elevated a couple steps up.*
7. *The issues in dispute should have been identified in writing and distributed to IDT, as per the requirement in the adopted issue resolution process. Otherwise, there is lack of clarity for all who are involved with the resolution process.*
8. *The issue resolution process should be clearly communicated to all of the agency staff (especially for those who are not members of the IDT) prior to scheduled off-line meetings where issues are being discussed.*
9. *A process that ultimately elevates any issue to TPEAC for resolution is inefficient and inappropriate, given the legal permitting requirements of participating agencies. Some IDT participants are not voting members of TPEAC. .*
10. *The emphasis of the resolution process should be to facilitate decisions made by those at a staff level with the most technical as well as managerial experience.*
11. *The issue resolution process should not be used as a tool to circumvent the IDT process in an attempt to get managers to override the concerns of staff participating on the Team.*

Question: Part II #13g: ***Rate/evaluate the appropriateness of the process for resolving issues.***



#### Comments

1. *The issues were resolved without going too far into the process. If we had had to go far into the issue resolution process, I think there would have been more inefficiency and perhaps a breakdown of the process due to the time it would take to move through the steps.*
2. *I liked the process.*
3. *Disputes should be moved up quicker.*
4. *The process went as well as it was possible to accommodate. If stormwater data had been available earlier, resolution may have been facilitated. A delay in the process did occur because of manager schedule conflicts. It was still much faster than most dispute resolutions.*
5. *The process allowed for the decisions to be made at the level with the most technical as well as managerial experience.*
6. *I was directly, and indirectly involved with two disputes. Not in a defined process, but worked out as the disputes would normally be resolved.*

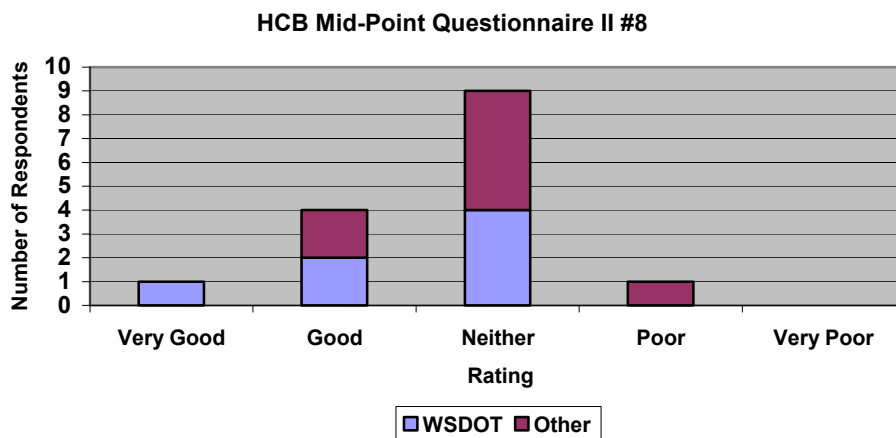
### 3.2.6 Public Involvement

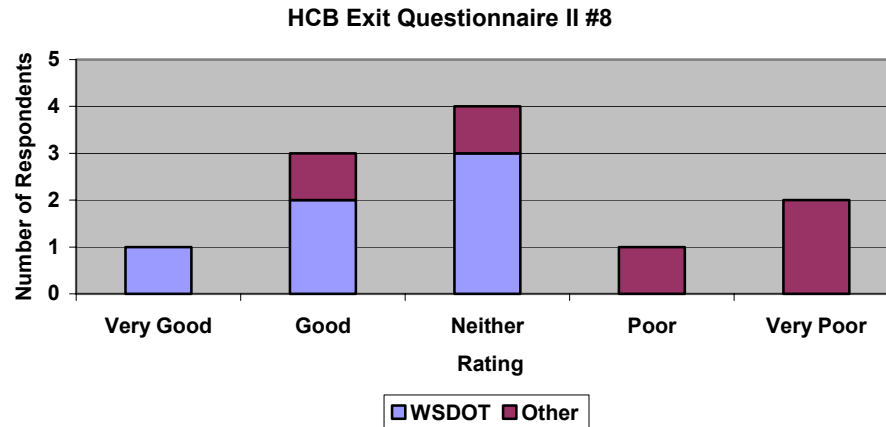
#### Hood Canal Bridge

Comments related to the public involvement component of this project emphasized the lack of public input in the later half of the permitting process (e.g. the difference between the Mid-Point and Exit Questionnaire response to II #8 below), lack of knowledge on the part of IDT members of public input opportunities, and lack of additional opportunities to make public review processes more concurrent. Comments on the issue of “concurrent public review process” include the following:

1. *Mostly it was not concurrent. Have more than 10 public notice and still more to do.*
2. *They followed the guidance of each agency, which sometimes differs. Not sure how they could be improved without project delay.*
3. *The Corps, DOE and the Coast Guard were able on a couple of occasions to combine public review. This project did not lend itself to combined public review processes. Section 404 and 401 public review processes are concurrent*
4. *With complexities and one of the three local jurisdictions not participating as active members, concurrent public review was not possible and may not have provided benefit if it were possible because of changing nature of the project.*
5. *The counties chose not to coordinate their public review processes. NEPA and SEPA were conducted separately as well. The NPDES comment period was handled separately as well. The Coast Guard public review process was initially separate from the section 401 process but it got coordinated at the last second.*
6. *This depends on coordination efforts when it comes to the Public Notice for some permits. As for other types of public review processes there are different objectives and reasons for the public review, so it is too complicated to consolidate.*
7. *It is my understanding that some of the comment periods could have been concurrent if a schedule had been created early enough.*
8. *We didn't make this work because of the short timeline for the project, and conflicting statutory requirements for the comment periods. We also didn't have many permits that required public hearings.*

Question: Part II #8: ***Rate/evaluate the public involvement process including public information availability during the first steps of the process through public review of the unified permit application.***





#### Comments

1. *There was public review of the NPDES application but that was not shared with the IDT. I don't think the IDT consistently heard what the public concerns were.*
2. *There has been extensive public outreach associated with the project, but not necessarily about the permits for this project.*
3. *A revised DNS (for the graving facility only) with a comment period could have been issued. The lack of this opportunity gave the appearance of trying to eliminate public involvement. It builds distrust and increases the need for public oversight. The graving facility was a significant addition to the project, one that was not contemplated when the first DNS with comment period was issued for the bridge. There should have been a SEPA public comment period on the graving facility. The SEPA addendum from the Graving Dock is being questioned by appellants.*
4. *The IDT did not adequately address public involvement and input in the process. There should have been a more complete NEPA/SEPA process in order to provide more opportunities for public involvement. This could have avoided the threats for permit appeals that occurred later in the process.*

### 3.2.7 Mitigation and Project Outcomes

#### Hood Canal Bridge

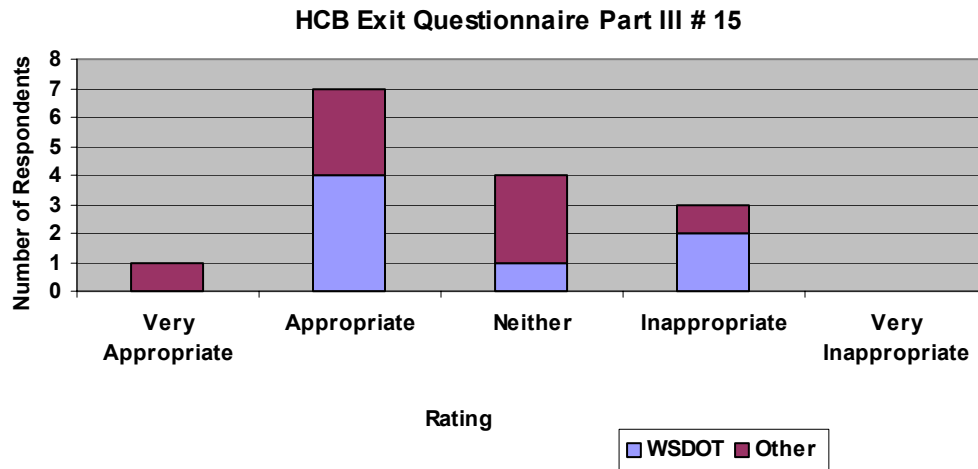
The participants generally agreed that the IDT should also be a process for developing a better project (in addition to the streamlining/efficiency goals). In the end, there was a sense of general satisfaction in the overall outcome and a rating of “adequate” for the environmental outcome –although this differed from agency to agency. The need for process improvements were mentioned in the following comments:

*“The environmental review was not as thorough as it could have been. This provides a basis for subsequent mitigation. The SEPA review was the weakest part of the application process for the Graving Dock and relied heavily on the participation of resource and review agencies.”*

*“I believe that the design team thinks they have talked about avoidance and minimization at every meeting, but I don't think we've done a good job presenting this material. My guess would be that the Resource Agency reps don't think we've mentioned this at all. This is definitely something we could do better next time.”*

The following responses provide some detail on the perceived environmental outcome of this permitting process as it relates to mitigation of impacts.

Question: Part III #15: ***Rate/evaluate the resulting project improvements, permit conditions and associated mitigation.***



Comments:

1. *The off-line IDT group called the "BIO Swat Team" was very effective in terms of addressing necessary mitigation for the Biological Opinions. This should be repeated in future projects.*
2. *There is a lot of open-ended mitigation in the Bridge HPA that I am nervous about. The removal of all creosote foundations and terminals should have been included as direct upfront mitigation.*
3. *Because of the collaborative nature of the approach and various Hydraulic Project Approval drafts, we were able to develop a permit that met needs of the resource and WSDOT.*
4. *The environmental outcome was appropriate if the goal was to neutralize impacts to the extent possible. But, there will be adverse effects to eagles and murrelets that are not being offset, primarily because there is no known way to offset some of these impacts.*
5. *Due to various levels of mistrust and misunderstanding there were missed opportunities for the permitting agencies and WSDOT.*
6. *The issues surrounding stormwater discharge were not adequately addressed by WSDOT and Ecology.*
7. *The outcome was better because the resource agencies got to help select and design the graving facility. Many other issues were brought to the table, discussed, and resolved rather than being ignored.*
8. *For this and future floating bridge construction, a graving site will exist in which direct impacts are compensated. A graving site will exist where fish handling impacts would be reduced and unavoidable impacts already compensated.*



### 3.2.8 Feedback on the One-Stop Process

*“At least we’re trying to do something. It’s better than just complaining”*

#### **Hood Canal Bridge**

Part I of the Questionnaire contained questions relating to the level of understanding about how the IDT members understood the One-Stop Process. Less than half of the respondents reported that they were “confident” that they understood the Process. The group was certain, however, that this project did not serve as a good pilot for the proposed streamlining process.

*“This project was too big and complicated. It would be an appropriate project if the intent was to show that the One Stop process won’t work as envisioned.”*

*“The Process should be tested with a project that doesn’t have so many design constraints that an existing floating bridge has. It was kind of like trying to put on your sock after your shoe is on.”*

*“Streamlining and one-stop permitting may have had better results if there was the luxury of up-front planning time and the IDT Team had been formed earlier in the process. This was not possible because of the development of the process after the project was out of the gate. Although there was complexity with trying to meld individual permit processes into more of a collective process after an approach had been initiated, this led to some creative problem solving that will facilitate future permitting. Although working between two processes created some confusion and conflicts and created some first-time process delays, the federal and local permitting may have been facilitated by issue discussions at ID Team meetings and follow-up off-line meetings.”*

Perhaps as a result of this disparity between the One-Stop process and its applicability to this pilot project, the respondents were somewhat hesitant to cite any real “streamlining” success using steps outlined in the TPEAC process. Nevertheless, there were voluminous comments that fit into the three categories below:

#### **Positive Feedback:**

- 1. Although most of the One-Stop steps were not used and they didn’t have a chance to be tested. The formation of the IDT and general tasks of the IDT have occurred and have been very good.*
- 2. The IDT was a success of the Process, the facilitation and planning of the meetings was a key to good meetings and good use of the agencies. There was a lot of collaboration and communication. Information was shared, solutions were developed and parties with concern were there and supported by all. The IDT was consulted about key decisions such as choosing Port Angeles as the site.*
- 3. More informed decisions occurred and information was shared on how the agencies work internally.*
- 4. I think time was saved through an informal atmosphere. The process allowed some of the agencies to be creative, or take risks that they may not have taken in a normal process.*

5. *The process promoted discussion between WSDOT and the resource agencies to address environmental concerns. The interaction between the State and Federal resource agencies was probably enhanced during this process compared to other projects.*
6. *It's got great potential, There is a cooperative nature and format of meetings and of people involved. Good first effort towards streamlining processes.*
7. *There was a willingness to complete in time with the understanding of other agencies' limitations and their permit process.*
8. *Early involvement in developing JARPA was a success. It was efficient to working out avoidance and mitigation of impacts with other agencies.*
9. *Conflict resolution was a success.*
10. *Issues were brought to the table before design was complete, allowing regulatory agencies to give input that influenced the design prior to permit application submittal.*
11. *The group approach to agency feedback and permit application refinement is both a strength and a weakness of the One Stop process. However, this is even more true or exaggerated in the normal permit process with less "real" resolution of issues. In the normal process refinement occurs less and picking and choosing when to hold up an application occurs more.*

#### Negative Feedback on HCB Permitting Process/IDT:

1. *We're just doing business as usual with the addition of a monthly IDT meeting.*
2. *We did not do as good a job with scheduling and timeline. That could have made more of a difference. Environmental analysis (EA or SEPA) were not really included in the process. This allowed for less efficiency.*
3. *The process of cooperative permitting worked very well. However, it was not a One Stop process.*
4. *Far too many meeting were needed to conduct the process.*
5. *Consultation timeline was much too compressed due to the project being poorly defined when initiation occurred. This required an inappropriate amount of overtime put in at both the staff and management level of our agency. Some of the permit processes do not lend themselves to being done simultaneously.*
6. *A requirement that draft terms and conditions must be shared and discussed before all information was available to do necessary analysis is very difficult and very risky.*
7. *The concept of a "unified permit application" was a bit of a futile attempt with this project. It has been shown to be a less than useful endeavor for any project, given the diversity of agencies' issues and interests. Supplemental information will always need to be included with main JARPA, and that should be the focus of streamlining the permit application process.*
8. *Some agency representatives didn't have the authority to make commitments and the IDT often became a platform for one or two individuals with extreme positions that dominated the process.*

9. *It was tough to tell what was gained in the effort of streamlining. Example: Stormwater was an issue for both DOE and WDFW and pile driving was an issue for both WDFW and NOAA Fisheries. In both of these cases one agency should defer to the other to eliminate redundancy and possible conflicts with permit requirements.*

#### Negative Feedback on One-Stop Process in General

1. *One-stop permitting requires changes in WACs and Agencies Policies.*
2. *The changing nature of the concept of “Pilot projects” makes it difficult to design or test a one-stop methodology. While one-stop method was a priority in 2001, it is not clear it is still the priority for WSDOT or the legislature.*
3. *There was insufficient buy-off and acceptance of the One-Stop Process from all of the agencies involved. TPEAC decisions are not a good representation of the necessary commitments from resource agencies to implement those decisions. This is due to the low number of actual “voting” members on the Committee and the lack of clarity, consistency, and follow-up on the TPEAC decisions.*
4. *The dispute resolution process, adopting by TPEAC, is not supported by some of the participating agencies. The HCB project revised the process to try and seek a faster resolution.*
5. *There are no timelines imposed on WSDOT for completion of various work products in the process. The only time limits that are mandated relate to resource agency review time.*
6. *Resource agencies seem to take a “Tag Team” approach in order to use detailed information about a project in order to meddle in engineering minutia. The public will not tolerate frivolous spending on excessive engineering solutions.*
7. *One agency’s concern becomes every agencies’ concern. Much time is wasted discussing issues that are only relevant between the applicant and resource agency. Others are on the sidelines, not always, but usually just sitting and wasting their time.*
8. *Full-day meetings were too long and participation in all meetings is an inefficient use of time. Some things simply need to be done sequentially and do not fit into the parallel process approach.*
9. *Federal agencies aren’t under mandate to change – even if local federal contacts agreed to streamline, authority was often needed from higher out-of-state federal employees who had their own timeline.*

#### Recommendations of HCB IDT:

The following table was generated from responses to a question in the Exit Questionnaire that solicits a kind of “straw poll” vote about how the One-Stop Process can be improved.

**Part III # 19, Based on your experience with the One-Stop Process and IDT, which of the following should be included in the process?**

**Total WSDOT Respondents = 9**

**Total Non-WSDOT Respondents = 10**

Possible Components of One-Stop process: (in order of popularity)	Number of WSDOT Respondents who recommend this	Number of Non-WSDOT Respondents who recommend this	Total
Intent to eliminate conflicting permit conditions	9	6	15 (79%)
Agencies cooperate in setting master timelines and schedules	6	8	14 (74%)
Resource agencies and WSDOT share information and cooperate to the degree possible on designing the project and mitigation	5	9	14 (74%)
IDT includes tribal, state, local and federal participation	6	7	13 (68%)
Intent to eliminate duplicative permit conditions	8	5	13 (68%)
Formation of an interdisciplinary team (IDT)	5	7	12 (63%)
WSDOT negotiates permit conditions with permit agency	6	5	11 (58%)
Agencies assist WSDOT with completing the application(s)	5	6	11 (58%)
Multiple opportunities to work out permit conditions	5	6	11 (58%)
Informal steps for the applicant to question permit conditions	6	4	10 (53%)
Agencies share draft permits/terms and conditions with WSDOT	6	4	10 (53%)
Mitigation options are identified and evaluated on a watershed basis	4	6	10 (53%)
Combining public involvement process	5	3	8 (42%)
TPEAC issue resolution process	4	3	7 (37%)
Mandatory modification of permit timelines	5	0	5 (26%)
WSDOT drafts the permit language	4	1	5 (26%)
One single unified permit	4	0	4 (21%)
One single unified permit application	3	0	3 (16%)
Write-in: <i>Issue Resolution Process</i>		1	1 (5%)
Write-in: <i>WSDOT plays a role in preparing draft permit language</i>		1	1 (5%)
Write-in: <i>Mitigation sequencing is incorporated – avoidance is preferred. Unavoidable impacts are mitigated in-kind, on-site, and in advance first, are monitored for success of mitigation, and if not successful the additional mitigation is preferred.</i>		1	1 (5%)

Comments:

1. *There should be better clarity about when an IDT would be beneficial, what the IDT participants roles/responsibilities are, commitment to schedule, IDT role in developing schedule, early IDT participation when there is still time to figure out a reasonable schedule*
2. *Early agency involvement, at the time of project definition. Everyone seems to agree on the need for this specific aspect of the various streamlining processes. There is also a role for resource agencies before project definition, during planning. The Florida ETAT groups, which are standing, inter-agency committees are worth looking at due to their involvement in the planning through permitting stages of projects.*
3. *There should be less emphasis on one “unified” permit, and more emphasis on cooperative layering and sequencing of permits.*
4. *There should be a clear prioritization of liaison duties so that they can dedicate enough time to IDT participation without negative repercussions applied to the liaison program as a whole.*
5. *We need changes in legislation to force concurrent tasks by agencies and concurrent products. Also need more delineation of agency responsibilities, too many dealing with same issues.*
6. *In order for this process to work you must have people sitting at the table who are willing to be flexible and creative. They must have the authority of their agencies to make commitments and they need to check their egos at the door.*
7. *Pick an easier project to try this on and don’t automatically assume that all existing processes don’t work and need to be fixed.*
8. *Tap a project that is solely funded with State monies. Let us get our act together and then invite the federal resource agencies into a mature process whereby State agencies systematically work through issues in a way envisioned by the One-Stop’s authors.*
9. *Continue to encourage cross-functional teams to improve processes and develop external relationships of all state agencies. Senior Management needs to at least attend a few minutes for large project meetings (most of them) and stress the importance of the project and the impacts involved if the targeted dates are not met.*
10. *Develop a checklist for each resource agency to be given to DOT and use this checklist as an initial point to initiate the environmental review and analysis process.*
11. *The developing of a unified permit is absolutely necessary. But, the content of the permit should be established with meetings between relevant agencies before being used on a real-life project. Or at least before using on a project with very unique circumstances.*
12. *There is no such thing as a one-stop permit process. Also, there is overlapping jurisdiction that needs to be addressed.*
13. *WSDOT needs to look at its own application process to make sure that concerned agencies have the materials they need to make a good decision as soon as possible.*
14. *It is possible to involve too many people at once. Some of the activities that took place as a group could have been done on a one on one basis. Some of this did happen in the off-line meetings.*
15. *The process should have been better defined, by all the agencies involved, before a project was put through the test.*
16. *Federal agencies need to be involved in order to positively affect permit streamlining.*
17. *The project needs to be better defined before submitting permit applications.*
18. *The value of the process is that most of the agencies with a stake in the project were willing and available to discuss the issues and resolve conflicting environmental requirements, even those federal agencies that are not voting members. However, since all agencies have different jurisdictions, resources of concern, and areas of expertise, the process did not seem “one stop” or streamlined. It seemed that the most effective meetings were off-line meetings.*
19. *There maybe should be another pilot to test one-stop process fully.*

20. *The concept of a Unified Permit Application is problematic because it compiles too much information for an efficient review of specific parts/analyses. For example, detailed engineering drawings would be needed by our agency mostly for those portions of the transportation project that are in or over waters. This problem could be resolved by electronic interfacing in many cases.*
21. *They need to determine why the delay occurs and start reforming from that point. No one in the IDT has even discussed why the delay occurs. What are we streamlining?*
22. *Stop creating new processes without perfecting the old process. What I can see at the legislative level is the creation of processes without the knowledge of past processes (positives and negatives). They need to allow for the perfecting of a process.*

## **SR 24 Yakima Bridge (Feedback on One-Stop Process)**

### **Positive Feedback:**

1. *Excellent process, but still in the early stage.*
2. *There was good interagency coordination, especially state and local. Openness of WSDOT regional staff. This fosters better partnerships and “big picture” project evaluation.*
3. *This was a good attempt to deal with permit issues during design of the project. Cooperation and collaboration by all permit agencies to resolve conflicting requirements.*
4. *Get all agency perspectives in a setting where they can be easily discussed. Good setting for dissemination of “cutting edge science.”*
5. *I saw the possibility of it working, with the right project and a more transparent process.*
6. *Good mechanism to ensure proper analysis and documentation prior to permitting/consultation.*
7. *All parties had the ability to get their issue on the table and before the group. Agencies realized what their responsibility was and initiated and started working on those issues (i.e., Yakima County Flood Control District is now looking at the floodplain issues in the area; Yakima County is in the process of redesigning their roadway network in the area; Floodplain issues in the area are major and varied, what someone wants may not be what someone else wants.)*
8. *The evaluation of the need for a broader flood control strategy for this reach of the Yakima River.*
9. *There is a wider understanding of floodplain issues, and a vision of setting a process for gap to gap grew out of this effort.*

### **Negative feedback:**

1. *This project depended upon the participation of multiple players – some who were not at the table (Army Corps and landowners). The desire to meet original publicized result (move freeway to north alignment) overshadowed an objective review of alternatives. Decision was made and advertised in media before analysis was completed.*
2. *TPEAC should have picked a pilot project that was better defined than this one. SR 24 by itself would have been fine, but combined with Gap to Gap complicated things.*
3. *The preferred alternative selected prior to impact information made available.*
4. *One Stop Process for permits being issued still does not speed up the process.*
5. *Too many people involved can potentially delay process.*
6. *The process seems to work very well, but it comes at a high cost in terms of agency time/involvement.*

## **Consequences of Funding Peaks and Valleys**

Due to the lack of construction funds and suspension of the IDT, the SR 24 Mid-Point Questionnaire included an additional question about the consequences of funding peaks and valleys relative to project streamlining and goals. Some of the comments on this question were as follows:

1. *The peaks and valleys are really applying to the construction, not the permit streamlining effort that I am involved in. The funding really starts hitting a project when the costly construction and detailed design have to be done. Perhaps that is included in WSDOT's view of permit streamlining, but agencies are largely done when the permitting is done. It's up to WSDOT to get it funded and built according to permits.*
2. *The overall transportation funds are distributed on a biennium to biennium basis and do not provide for continuous and long term funding. Extended periods of time necessary to get through the environmental process, documentation and permitting, exceeds the transportation funding mechanism. There is uncertainty by DOT and the resource agencies that their time and effort has been well spent.*
3. *Significant timing delays will be created because funding is currently being eliminated for this project.*
4. *The consequences of unevenly unstable funding relative to SR 24 project streamlining and goals have been negative. Uncertainty of outcome fostered apathy and negativity at times.*
5. *This project was initially proposed for construction in 2003. Now it may very well be that construction will occur in 2013! My concern is that the time spent on this project has been wasted as much of this work will likely need to be re-done.*
6. *Much effort was put into this project and critical funding to see implementation through has been lost! If the project would have been done on its own, it may have been further along.*
7. *TPEAC should have piloted a project that would be implemented. We are now at the place where we have to park the whole project. This leaves the TPEAC process hanging.*
8. *We may not build this potentially very beneficial project that helps the environment, transportation and accommodates growth in locations that make sense outside of the existing floodplain.*

#### Recommendations from the SR 24 IDT:

1. *Continuing and on-going communication between the DOT, agencies, public, tribes, etc. is the key to getting anything accomplished from start to finish. Being honest and truthful with your partners will build the trust needed to get through the complicated environmental process, documentation, permitting and construction. The work at the local level will lead to this trust relationship and success by all parties. Attempting to force things from above could undermine local working relationships and trust.*
2. *Ensure federal participation.*
3. *Regulatory agencies have to set aside their suspicions/prejudices against infrastructure projects and focus their energies on creating a better project, not NO project.*
4. *Need impact information disseminated, and discussion, "prior to" preferred alternative selection by WSDOT.*
5. *There isn't always a better way to do things. Sometimes it's better to have faith in existing processes.*
6. *Change the paradigm at WSDOT that assumes that they are the ultimate decision makers.*





*“Instead of having a project build a team, we should have the team build the project.”*

### 4.1 Summary

The Hood Canal Bridge IDT established the following Purpose and Mission in its Team Charter:

**Achieve all project permits by November 2002 using the flexibilities and innovations envisioned within ESB 6188 and the 7- Step Pilot Permitting Process developed by the One-Stop Permitting Subcommittee.**

**The team will work together to build trust, using frequent and effective communication to identify issues and analyze problems resulting in a consolidated permit approval for the Hood Canal Bridge Retrofit Project by November 2002. We will:**

Identify critical paths, set time lines, and establish roles and responsibilities for team members, developing focused action groups as necessary to expedite the work

- Determine the appropriate level of detail required to support streamlining so that a good project description, adequate design detail and critical construction methods are provided for permit application and review
- Compile applications and conduct concurrent or group reviews as appropriate, contributing to the development of a joint public review
- Incorporate mitigation sequencing, provide guidelines and develop standards where possible
- Document the process and evaluate the pilot process in a concise and easily understood manner

Although the ambitious November target date (which was not a date developed by the IDT scheduling process) was not met, the results of the questionnaires indicate that progress was made in accordance with the stated mission. Many of the negative comments related to the success of the IDT could be attributed to a lack of uniform understanding of what result “streamlining” should have or could have made for this project. Many participants also suggest that the success of streamlining attempts cannot be effectively measured in this case due to the project design (floating bridge and graving dock), large scale, unique set of environmental impacts and permitting complexity (i.e. the interdependent relationship between the mitigation plans needed for the HPA, the Federal Services Biological Opinion, Coast Guard Section 9, Army Corps Section 404, and Ecology’s 401 and CZM permits).

The positive feedback on the cooperative nature of the IDT process indicates that the measurement of total elapsed time between pre-application and permit issuance does not reflect many of the potential efficiencies gained from interagency coordination.

## **4.2 Recommendations**

Some of the feedback and recommendations from the IDT participants has been captured in the draft Guidance document for “Interagency Project Teams.” The following list synthesizes some of these recommendations and adds a few more.

1. Continue to test/pilot the IDT concept and process tools (scheduling, permitting process, dispute resolution etc.) on other projects.
2. The Interagency Team should be convened earlier in the process, even if it’s only for a few meetings. These meetings, at the pre SEPA or NEPA stage, could be held where the purpose is to discuss the project design, identify resources, concerns and issues as a foundation for environmental review and permitting and for identifying the timing for subsequent IPT participation. The team should identify known critical resource locations that might be affected by highway construction. Restoration and restoration opportunities in the vicinity or watershed could be identified and advance mitigation or mitigation banking opportunities could be developed.
3. Individual IDT’s (IPTs) should scope out and adopt their own set of streamlining objectives to help answer the question “what will permit streamlining look like for this project?” and “do we have the resources and motivation to commit to a process that could involve more upfront work in exchange for added efficiencies and better outcomes later in the process?”
4. Future IDTs (IPTs) should adopt efficient communication strategies by using tools developed by the pilots, using more electronic tools, organizing meetings according to participants’ interests and increasing the use of off-line meetings with improved documentation of decisions and assignments.
5. The “One-Stop” permitting process could be revised to accommodate the complexities and timelines of different projects. The concept of a “unified permit application” should be revisited to reflect the issues reported by the HCB IDT, the upcoming report related to the “Integrated Permitting System” and by survey respondents for the Permit Streamlining White Papers Project.
6. The concept of regional “standing committees” that can serve as interagency teams for multiple projects of differing complexities and permitting stages should be investigated as a potential replacement of the “project by project” team approach. This is the format that the NEPA/404 merger process (Signatory Agency Committee) has adopted as is the proposed model for the Multiple Agency Transportation Permit Teams (MATP Teams). It is also being tested by Florida’s Department of Transportation as a model for streamlined project permitting. This concept could be analyzed as a potential remedy for the reported IDT problems associated with general group process pitfalls as well as the lack of agency participation, excessive demands on staff resources and the perception that agencies may not be represented by the appropriate staff.

7. The permitting schedule was a useful tool that could be improved to include more details of the permitting process (e.g. interim milestones, adequate review time and steps needed for issue resolution etc.). The schedule needs to be revised regularly, particularly when there are delays in information exchange, issue resolution and other problems. The reasons for schedule delays should be understood by the IDT and recorded for future reference.
8. The IDTs (IPTs) should consider incorporating a public involvement component to the IDT process. This could include coordinated informal briefings, public meetings and additional informational outreach on an IDT website.
9. The HCB IDT tested some tools for efficient issue identification and resolution processes. These could be further tested and refined. The “four questions” exercise that was used for the permitting of the Graving Dock and the “issue sheets” that were updated regularly can be applied to other projects. A multi-step issue resolution process should be proposed, accepted and reviewed regularly by the IDT (IPT) for issues that are “ripe” for entry into the resolution process. A key step at the beginning of any issue resolution process (and one that the entire IDT could assist with) is the identification of missing information that could facilitate an agreeable decision before the issue is elevated within the agencies.
10. Although there was not adequate time for a watershed analysis in the Hood Canal Bridge project, the mitigation options and resulting project outcomes would have benefited from a watershed-based planning effort early in the project scoping/planning stages. Early documentation of avoidance, minimization and compensatory mitigation options that address the project’s cumulative impacts hold promise for improving permitting efficiency and environmental outcome as well as reducing project costs. The proposed watershed characterization methodology of the Watershed-based Mitigation subcommittee should be supported and applied to appropriate transportation projects.



## APPENDIX 1 LIST OF SURVEY QUESTIONS

### **A. IDT group structure and process**

(timing of IDT, charter, team composition, meetings, off-line meetings)

**(II 1.)** Rate/evaluate the usefulness of the following organizational and substantive tasks of the IDT in terms of being appropriate tools for permit streamlining and amount of time that was spent on them. (Answers were based on a rating of 1-5 *(from Very Appropriate to Very Inappropriate)* and fill-in answers provided additional feedback and recommendations for improvement.

- Developing a charter
- Defining the project's impacts
- Providing input on permit application data and permit detail
- Reviewing comments on the permit application(s)
- Providing input on avoidance, minimization, and place of mitigation and permit conditions
- Setting a master timeline and schedule
- Addressing agency resource needs
- Dispute resolution process
- Using the charter
- Maintaining and updating the timeline and schedule

**(II 2.)** Rate/evaluate the level of involvement of appropriate agencies, tribes, and private/public discipline experts on the HCB ID Team. *(Very Appropriate to Very Inappropriate)*

**(I 3.)** As a IDT member, what level of decision-making are you authorized to make? *(Choices included: Permit decisions, NEPA/SEPA decisions, advisory capacity, other)*

**(III 3.)** What is the role of the IDT members? *(choices included: communicating their agency's perspective to the IDT, keeping their agency appropriately informed about the project, coordinating permit issues with their agency's permit decision-makers and staff with expertise, act as their agency's point of contact on IDT issues, providing agency policy and decision making role, other?)*

**(III 4.)** Rate/evaluate your own role on the IDT as far as communicating my agency's perspective and keeping my agency appropriately informed and engaged. *(Very Effective to Very Ineffective)*

**(III 5.)** Rate/evaluate how other agency participants on the IDT met the needs of the process. *(Very well to Not well at all).*

**(III 1.)** Rate/evaluate the off-line meeting process (scheduling, reporting, etc.) *(Very Effective to Very Ineffective).*

**(III 2.)** Rate/evaluate the usefulness of off-line meetings for identifying and resolving issues between all concerned parties. *(Very Useful to Not Useful at All).*

**(II 14.)** Rate/evaluate the anticipated added efficiency of having access to electronic information and electronic management tools. *(Very Efficient to Very Inefficient).* Prioritize a list of items that would be helpful to have electronically *(list includes JARPA, project website etc.)*

### **B. Permitting Process and Schedule**

**(II 3.)** Rate/evaluate the influence on the process of the IDT's participation in setting a master timeline and schedule. *(Very Positively to Very Negatively)*

**(II 4.)** Were the permit applications for the project submitted simultaneously?

**(II 5.)** Rate/evaluate the completeness of the submitted applications for the project. *(Very Complete to Very Incomplete)*

**(II 6.)** Rate/evaluate the efficiency of the overall process for submittal of applications for the project. *(Very Efficient to Not Efficient At All)*

**(II 6a.)** Rate/evaluate the effectiveness of how project changes were handled. *(Very Effectively to Very Ineffectively)*

**(III 7.)** Rate/evaluate the usefulness of the schedule as a tool for the enhancement/improvement of your agency's participation in this project. *(Very Useful to Not Useful at All)*

**(III 8.)** Rate/evaluate the extent to which the schedule contained an appropriate level of detail related to interim milestones and other important points of information exchange. *(Very Appropriate to Very Inappropriate)*

**(III 9.)** What format for the schedule worked best for your agency? (i.e. word document e-mail, color copy handed out at the meetings, etc.)

**(III 10.)** What suggestions do you have to improve the scheduling process (i.e. more frequent updates, different software, more guidance etc.)

**(III 11.)** Looking back, rate/evaluate the timing of the permit applications and supporting information to allow for review. *(Very Timely to Very Untimely)*

### **C. Project Description and Issue identification**

**(III 12.) a.** Rate/evaluate the completeness of the application when submitted. *(Very Complete to Very Incomplete)*

**(III 13.)** As a representative of WSDOT, rate/evaluate the communication of resource agencies related to the issues and information needs of those agencies for submission of a complete application. *(Very Clearly Communicated to Very Unclearly Communicated)*.

**(III 14.)** As a representative of a permitting agency, rate/evaluate your communication of issues and information needs in order for WSDOT to submit a complete application. *(Very Clearly Communicated to Very Unclearly Communicated)*

**(II 10.)** Rate the timing of the identification of environmental and permit issues. *(Very Timely to Very Untimely)*

**(II 11.)** Rate/evaluate the Team's assisting with decision-making, the sharing of issues, concerns, and solutions. *(Very Collaborative to Not Collaborative at All)*

**(II 12.)** Rate/evaluate the timing of the resolution of problematic environmental and permit issues. *(Very Timely to Very Untimely)*

### **D. Dispute Resolution**

**(II 13.)** Have you used the TPEAC Dispute Resolution Process?

**(II 13b)** What steps in the process were used and what was the subject of the dispute?

**(II 13c)** Rate/evaluate the timing for the dispute resolution process. *(Very Well to Very Poorly)*

**(II 13.e)** How was the issue in dispute identified by the parties. *(Very Clearly to Very Unclearly)*

**(II 13 g)** Rate the appropriateness of the process of resolving the issues..*(Very Appropriate to Very Inappropriate)*

### **E. Public Involvement**

**(II 7.)** Rate/evaluate whether the public review processes was concurrent. *(Always Concurrent to Never Concurrent)*

**(II 8.)** Rate/evaluate the public involvement process including public information availability during the first steps of the process through public review of the unified permit application. *(Very Good to Very Poor)*

**(II 9.)** Rate/evaluate whether the public hearings were unified. *(All Unified to None Unified)*

### **F Mitigation and Project Outcomes**

**(III 15.)** Rate/evaluate the resulting project improvements, permit conditions and associated mitigation. *(Very Appropriate to Very Inappropriate)*

**(III 16.)** In the end, the application of the IDT/permit streamlining process resulted in the following permitting/project delivery efficiencies:

**(III 17.)** In the end, the application of the IDT/permit streamlining process resulted in an overall environmental outcome that was:

**(III 18.)** In the end, the lack of additional permit streamlining/efficiencies resulted in:

**(II 16.)** Rate/evaluate the IDT process related to achieving the Critical Success Factors<sup>2</sup> for the TPEAC effort and for achieving the end result of reducing permit process delays and their negative effects for this project, the use of staff resources to participate in the process. *(Very Efficient to Not Efficient at All)*

**(III 23.)** Were there any unanticipated outcomes (good or bad) from using this process?

**(III 20.)** What was improved since the last time you completed this questionnaire?

**(III 21.)** What needs more improvement?

### **G. Feedback on One-stop process**

**(I 6.)** What is your understanding of the One Stop Process adopted by TPEAC? (check all that apply):

- Formation of an interdisciplinary team (IDT)
- IDT includes tribal, state, local, and federal participation
- One single unified permit application
- One single unified permit
- Intent to eliminate duplicative permit conditions
- Intent to eliminate conflicting permit conditions
- WSDOT drafts the permit language
- Combining public involvement processes
- Agencies cooperate in setting master timelines and schedules
- Mandatory modification of permit timelines
- Resource agencies and WSDOT share information and cooperate to the degree possible, on designing the project, and mitigation
- Agencies assist WSDOT with completing the application(s)
- TPEAC issue resolution process
- Informal steps for the applicant to question permit conditions
- Multiple opportunities to work out permit conditions
- Applicant negotiates permit conditions with permit agency

---

<sup>2</sup> Critical Success Factors have been identified as:

- Permit streamlining results in efficient, timely project completion
- There are clear responsibilities between agencies and consistency with local jurisdictions
- Environmental standards are met and mitigation practices are improved

**(I 7.)** Rate/evaluate whether you fully understand the One Stop Process. *(Very Confident to Very Unsure)*

**(II 15)** Of the One-Stop Process Steps that were implemented by this IDT, rate/evaluate how they functioned. *(Very Well to Not Well at All)*

**(II 17.)** Rate/evaluate the use of the Hood Canal Bridge project as a pilot to test the One Stop Process. *(Very Appropriate to Very Inappropriate)*

**(II 18.)** What two things do you like least about the One Stop Process?

**(II. 19)** What two things do you like most about the One Stop Process?

**(II 20.)** If you could tell the creators of the process one thing, what would it be?

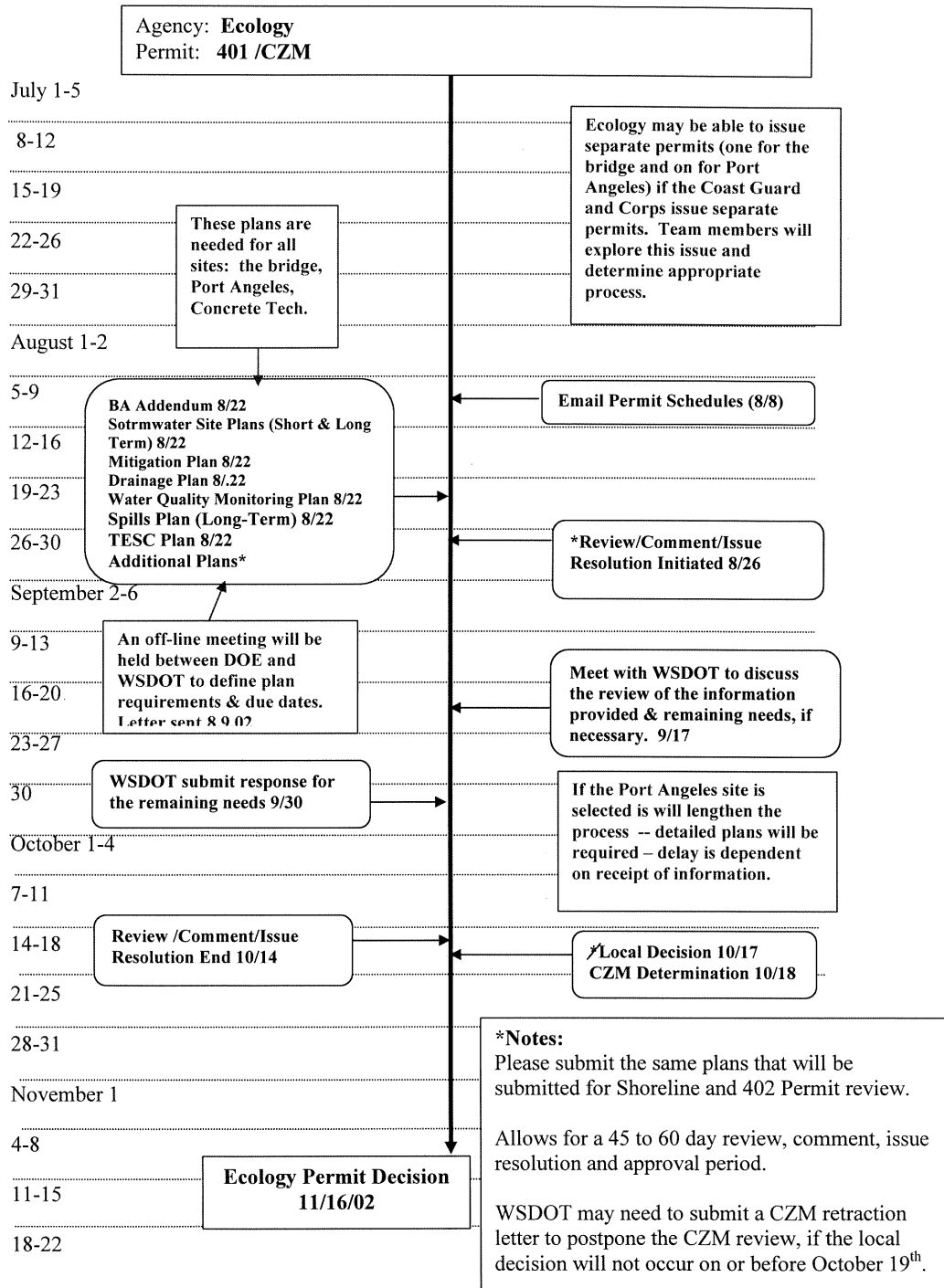
**(III 19.)** Based on my experience with the One Stop Process and IDT, I think the following aspects should be included in the process:

- Formation of an interdisciplinary team (IDT)
- IDT includes tribal, state, local, and federal participation
- One single unified permit application
- One single unified permit
- Intent to eliminate duplicative permit conditions
- Intent to eliminate conflicting permit conditions
- WSDOT drafts the permit language
- Combining public involvement processes
- Agencies cooperate in setting master timelines and schedules
- Mandatory modification of permit timelines
- Resource agencies and WSDOT share information and cooperate to the degree possible, on designing the project, and mitigation
- Agencies assist WSDOT with completing the application(s)
- TPEAC issue resolution process
- Informal steps for the applicant to question permit conditions
- Multiple opportunities to work out permit conditions
- WSDOT negotiates permit conditions with permit agency
- Agencies share draft permits/terms and conditions with WSDOT
- Mitigation options are identified and evaluated on a watershed basis

**(III 22.)** How did you or your organization actively contribute to permit streamlining for this project?

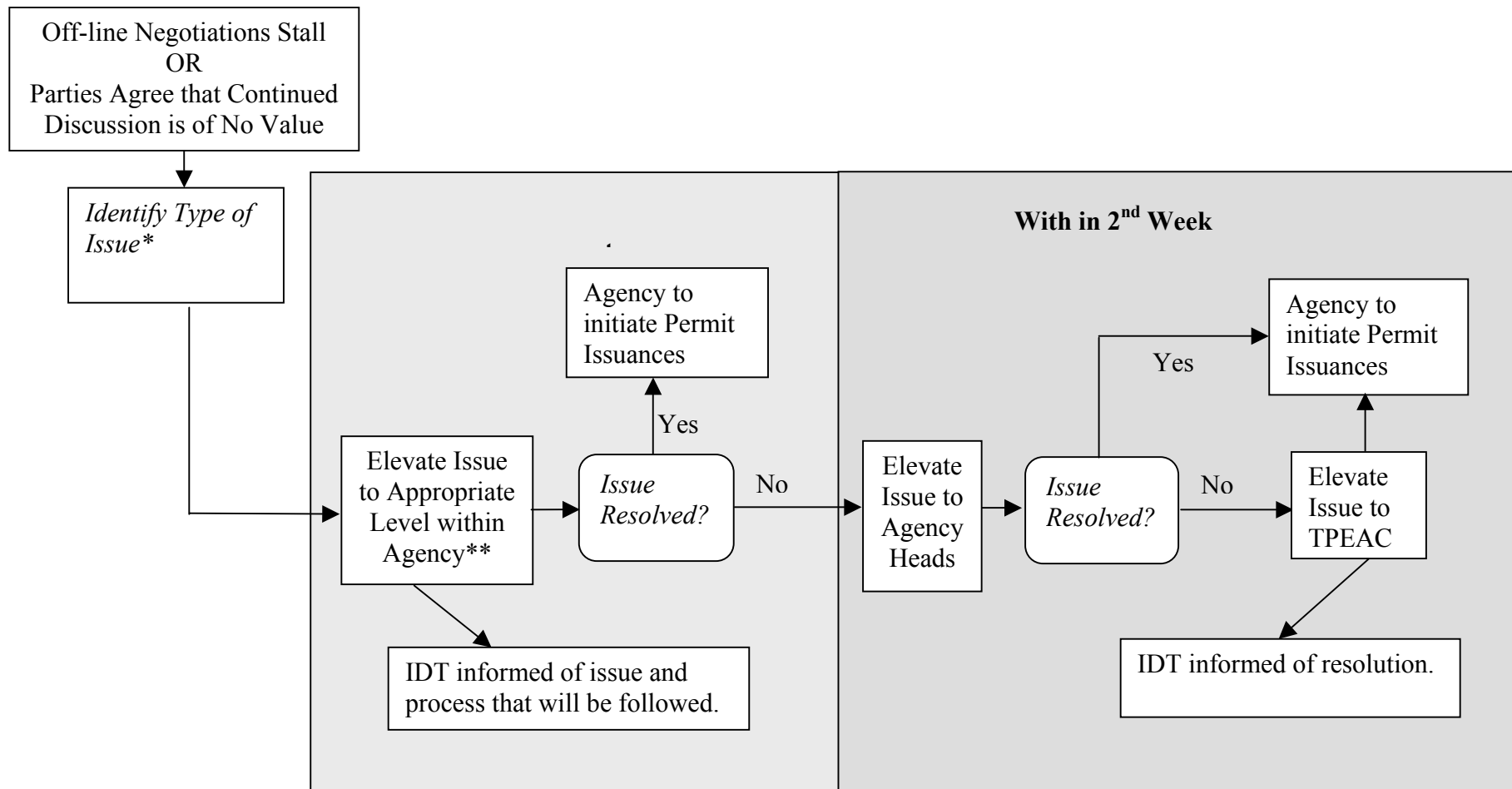


## APPENDIX 2 SAMPLE SCHEDULING TOOL FROM HOOD CANAL BRIDGE





### APPENDIX 3 HOOD CANAL BRIDGE ISSUE RESOLUTION PROCESS



\* A one-paragraph definition of the issue will be prepared by WSDOT, defining the problem in simple terms.

\*\* The IDT member representing the Agency with permitting authority will determine what the "appropriate level" is for issue resolution.



## **Appendix 4 One-Stop Permitting Process**

### **ONE-STOP PERMITTING PROCESS AS ADOPTED BY TPEAC MAY 8, 2002**

#### **Preface**

Inherent in the successful implementation of this process, is collaborative and timely action on the part of all agency staff to address issues associated with environmental review and permitting. Steps 1-6 of this process shall constitute the one-stop permitting process. Dispute resolution, when necessary, is intended to resolve disputes in a timely fashion as they may arise. This process is applicable to TPEAC designated pilot projects and to projects of statewide significance.

#### **Step1: Project Definition / Interdisciplinary Teams**

Appropriate agencies will be contacted at the onset of Project Definition for the formation of Interdisciplinary (ID) Teams for projects not covered by programmatic permits. ID Teams of WSDOT, permitting/resource agency, affected tribes, and private or public sector discipline experts (including engineers) will be chartered and convened to: define the project's impacts; elicit input from the agencies and others for the level of detail, appropriate avoidance, minimization and type and place of mitigation and conditions for the permit; set a master timeline and schedule; and address agency resource needs, consistent with Chapter 47.06C RCW. The ID Team will remain in existence from Project Definition into Design through Plans Specifications & Estimates (PS&E) and construction, in order to influence and respond to design and construction changes.

The ID Team will develop a charter to address such items as permitting and meeting schedules, communication protocol, and other coordination issues. The time period for Step 1 could range from one meeting to in excess of one year, depending upon the complexity of the project.

#### **Step 2: Unified Permit Application (WSDOT prepared)**

This collaborative effort would then be reflected in a unified permit application drafted by WSDOT and submitted to the agencies for concurrent review. To facilitate the process, WSDOT may consider requesting a waiver of applicable permit timelines.

#### **Step 3.**

The unified permit application will be submitted to the agencies for independent review and to initiate public involvement processes in conformity with applicable statutes, regulations, and policies. Agencies will conduct their public review processes concurrently, including unified public hearings, to the extent possible. Upon submission to the agencies, the permit application is a matter of public record and is available for public review through WSDOT.

#### **Step 4.**

The IDT will be reconvened to go over the comments. Each agency will follow its own procedures and work with WSDOT to revise the permit application to incorporate conditions required by the respective agencies. The IDT will update the schedule established in Step 1, as it pertains to Step 5 re-submittal of the unified permit application.

#### **Step 5: 30 Day Final Agency Permit Application Review – Approval Step**

WSDOT will resubmit the unified permit application to all agencies for final review. All reviews of the final document will be completed within thirty days, at which time the permitting agencies will act upon the application by either issuing the permit or returning the application without approval. If the application is

returned without approval, the permitting agency must identify errors or omissions and any remaining specific deficiencies or circumstances that must be met or addressed to be compliant with applicable law. Agencies withholding approval have this one opportunity to identify permit application deficiencies.

## **Step 6: Deficiency Review/Final Action**

*WSDOT may revise the permit application as warranted and resubmit the application to the permitting agency, which will have 30 days from receipt of the revised permit application to take final action.*

## **Dispute Resolution**

It is possible that disputes may arise among agencies represented on the ID Team at any of the steps in the One Stop Permitting Process. Every effort should be made to resolve such disputes at the agency level. Disputes in the permitting process, up to but not including final action, that cannot be resolved at the agency level will be addressed by the Dispute Resolution Process established by the TPEAC Committee. Disputes relating to final actions taken by a permitting agency will be resolved through the appropriate statutory appeal process set forth for each respective action. The dispute resolution process may not abrogate or supplant any appeal right of any party under existing statutes.

## **DRAFT**

### **SR 24/I-82 TO KEYS ROAD ONE-STOP PERMITTING PROCESS TIMELINES & EXPECTATIONS Yakima SEM Meeting - November 18, 2003**

**Step 1:** Send out pre-notification for JARPA application approximately 2 to 3 weeks in advance of application so agencies can schedule their time. The potential field review timeline would also be provided for scheduling.

#### **Step 2:**

##### **Pre-application Stage**

- Submit Draft JARPA with all appropriate appendices, drawings, etc. (including conceptual / draft mitigation plan)
- Review Draft application for 2 weeks
- Conduct initial field review with all resource agencies in week 2
- Comments on Draft application including data needs due 2 weeks after field review
- WSDOT address comments
- Goal is to submit a complete package on the first attempt

#### **Step 3:**

##### **Submit Final JARPA Application with Draft Permit Conditions**

- Attachments typically include but are not limited to: method of operation descriptions, performance measures, monitoring procedures, impact identification, plan sheets, details, and draft mitigation plan
- Draft permit conditions for HPA, Shorelines, and 401 certification / temporary water quality modifications
- Submit commitments matrix

#### **Step 4:**

##### **Application Completeness Review**

- Provide opportunity for second field review as needed
- Agencies will determine if application is complete within 2 weeks or identify missing elements
- If application is not complete, WSDOT will provide the information and revise schedule

#### **Step 5:**

##### **Permit Decisions**

- Resource agencies will conduct appropriate public processes
- Perform adequacy review and identify missing information as appropriate

- WSDOT addresses missing information as appropriate
- Edit WSDOT draft conditions and provide final decisions
- Finalize mitigation plan
- WSDOT will provide details of site compliance inspections and the process for reporting to the agencies.

**Step 6:**

**Process Review**

- IDT reviews process and makes amendments as appropriate

**TYPICAL JARPA APPENDICES (in addition to the items in the JARPA check-list):**

- USFWS Biological Assessment and concurrence letter
- NOAA Fisheries Biological Assessment and Biological Opinion
- Wetland /Biology (Findings) Report
- Conceptual / Draft Mitigation Plan
- NEPA EA/FONSI
- SEPA DNS Adoption Notice of EA
- Data Needs
  - WSDOE
    - Ecology data needs include: hydrology report, TESC/SWPP plan, details of avoidance/minimization of impacts, explanation of why a temporary water quality modification is necessary, include a success monitoring plan and contingency measures in the wetland mitigation plan, potential sites for discharge, in-water/bank working locations and schedules (yearly basis for monitoring), contingency plan if water quality impacts occur, management of potential water issues due to spring flooding, construction/demolition techniques with impacts and timelines.

**ADDITIONAL WSDOT COMMITMENTS :**

- Assistance in prioritizing projects for WSDOT liaisons.
- Coordinate with resource agencies to address human resource shortfalls and look for opportunities to draft additional permits (as necessary).



### **SCR PROJECTS UTILIZING THIS PROCESS:**

- US 12/ McNary Pool to Attalia (JARPA submitted 8/30/01)
  1. Walla Walla County Substantial Development permit – 2/11/02
  2. WSDOE Water Quality Certification/short-term modification (Section 401) – 3/15/02 & 7/22/02
  3. WDFW Hydraulic Project Approval – 3/21/02
  4. WSDOE NPDES for Construction – 4/30/02
  5. USACE 404 Individual Permit – 5/1/02

\*\*\* 8 Months to receive permits versus 12 months

- US 12/ Coppei Creek Bridge Replacement (JARPA submitted 1/20/03)
  1. Walla Walla County Critical Areas permit – 2/28/03
  2. WDFW Hydraulic Project Approval – 3/4/03
  3. City of Waitsburg Flood Hazard Area Development -- 3/28/03
  4. USACE Nationwide Permit 23 – 6/5/03
  5. WSDOE Implementing Agreement (Section 401) – 2/13/98

\*\*\* 4 ½ Months to receive permits versus 6 months

- SR 240/ Yakima River Bridge Replacement (JARPA submitted )
  1. WDFW Hydraulic Project Approval –
  2. USACE Nationwide Permit --
  3. WSDOE Implementing Agreement (Section 401) – 2/13/98
  4. Shorelines

- US 12/ Dixie

SR 24, I-82 to Keys Road (OL-3549)  
Streamlined One Stop  
Permitting



Deliverables	Mandated Maximum Time to Process Permit (Law)	Anticipated Maximum Time (WSDOT)	Committed Permit Delivery (Resource Agency)	Permit Duration	Designated Agency Contact	Duration
HPA (WDFW)	45 days	30 days	30 days	Up to 5 Years (standard)	Eric Bartrand	Substantial progress on construction must be demonstrated within 2 years.
Shoreline/Critical Areas/Flood Development (Yakima County & City of Yakima)	120 days with completed application (ordinance)	120 days	60 to 90 days	5 Years	Dean Patterson (Yakima County) Bruce Benson (City of Yakima)	Generally 5 years, one year extension possible but rarely longer. Some action must be taken within 2 years of the effective date of the permit.
401 Certification/Temporary Water Quality Modification (WSDOE)	12 months	120 days	90 days	5 Years	Sandra Manning	
Section 404 (NW-14; Linear Transportation Projects) (USACE - Seattle Reg.)	Nationwide permits 4 to 6 months	60 to 90 days	60 to 90 days	3 Years	Anne Robinson	Generally 2 years, one year extension possible if requested before permit expiration date.
Use Authorization Permit (DNR)		30 to 45 days	30 to 45 days	Life of the intended use	Annie Szvetcz David Grant	Standard easement
NPDES Construction (WDOE)	38 days after Public Notice and Application	38 days after Public Notice and Application	38 days	5 Years	Ray Latham	

**NOTES:**

1. WSDOT Contact: Sheri Neuenschwander (509) 577-1753
2. All permit applications to resource agencies will be contained on a JARPA application.
3. Permit timelines begin once the resource agencies determine the application is complete.

**Transportation Permit Efficiency and Accountability Committee**  
**Work Plan October 2003 – June 2005**

Revised November 24, 2003

<b>Activity – Expected Outcome</b>	<b>Schedule to complete product</b>	<b>Which TPEAC meeting?</b>	<b>Status</b>
<b>Identify and explore various tools to improve regulatory work</b>			
• Obtain feedback from Hood Canal Bridge and SR-24 projects	11/03	12/ 03	Patty Betts and Annie Szvetcz are writing the survey summary
• Prepare guidance for interagency permit teams	1/04	3/04	Draft complete 9/03. Delayed until 1/04
• Prepare a unified permit binder	4/04		Final scope of work for contractor is complete
• Evaluate concurrent agency review, public review and appeal	9/03	3/04	Recommendations were submitted to TPEAC at the September meeting for consideration and feed back. Feedback from TPEAC will determine the need to present a resolution for implementation of recommendations.
• Identify data that are required for multiple permits that could be supplied in a more consistent and streamlined manner	9/03	3/04	Recommendations were submitted to TPEAC at the September meeting for consideration and feed back. Feedback from TPEAC will determine the need to present a resolution for implementation of recommendations.
• Survey resource agencies on what environmental data they think is best for use on permit applications, and how agencies track issuance status	9/03	3/04	Recommendations were submitted to TPEAC at the September meeting for consideration and feed back. Feedback from TPEAC will determine the need to present a resolution for implementation of recommendations.
• WSDOT to prepare permit conditions for 11 project		12/03	Use SR 24 as prototype to draft permit conditions for resource agency use.

Activity – Expected Outcome	Schedule to complete product	Which TPEAC meeting?	Status
<b>Establish standardized environmental requirements for common activities</b>			
<ul style="list-style-type: none"> <li>• Bridge Painting</li> <li>• Washing</li> <li>• Repair</li> </ul>	12/03	12/03 3/04	HPA complete; NPDES permit expected 12/03 <i>NPDES permit delayed until 12/03</i>
<ul style="list-style-type: none"> <li>• Culvert maintenance and replacement</li> <li>• Channel Maintenance</li> <li>• Fish passage Maintenance</li> </ul>	1/04	12/03 3/04	Buy off on conditions expected 10/03. Won't apply to fish bearing streams. <i>Development of Programmatic Agreement and buyoff on conditions delayed until 12/03.</i> <i>4 GHPAs to be issued by 01/04</i>
<ul style="list-style-type: none"> <li>• Bridge Removal</li> <li>• Streambank Stabilization</li> <li>• Bridge Scour Repair</li> </ul>	06/04		These three will be scoped together and schedule for completion established. Scoping will be complete in 01/04.
Develop and prioritize list of possible activities for future programmatic permits	6/04	3/04	Get TPEAC feedback in 03/04 to establish priorities
Begin work on next activities	7/04		To begin 7/04
<b>Develop uniform standards for certain local permits</b>	First report on issues due 12/03	3/04	Committee preparing survey of WSDOT Regions and local government to assist with problem identification
<b>Improve environmental mitigation</b>			
<ul style="list-style-type: none"> <li>• Test watershed characterization method</li> </ul>	List of potential mitigation sites - 11/03 Document revisions - 12/03	3/04	On schedule

<b>Activity – Expected Outcome</b>	<b>Schedule to complete product</b>	<b>Which TPEAC meeting?</b>	<b>Status</b>
• Build screening criteria for where to apply tool	12/03	3/04	To start 10/03
• Establish watershed characterization method and identify mitigation options for 3 additional projects	03/04 through 6/05		Projects will be identified based on screening tool. Will decide sites by 03/04
• Complete policy review and identify needed changes	3/04	3/04	Recommendations for how to adjust alternative mitigation guidelines done by 3/04.
• Build into planning/design/permitting	1/04 - 12/04	3/05	
• Build simplified watershed assessment approach	1/05 - 2/05	3/05	
• Test simplified watershed assessment on pilots	3/05 - 6/05	6/05	
• Develop and test approach to optimizing mitigation using existing data		Possible update 3/04	Consultant (EES) involved. Need to establish schedule
<b>Evaluate federal delegation</b>	9/03 12/03 6/04 12/04		Analysis complete; Put further work on hold

## **Legislative Reporting Requirements**

### **Pilot/One Stop**

- December 31, 2003: The committee shall provide a status report to the legislature, and shall also identify barriers and opportunities to achieve a concurrent public review process, concurrent public hearings, and a unified appeals process for one-stop permitting. (Sec. 2, (1)(C))

### **Local Ordinance Task Force**

- December 31, 2003: The task force will submit a progress report to legislature
- December 31, 2004: Shall conclude its work and report its final recommendations for review to the legislature (Sec. 2 (6))

### **Federal Delegation:**

- December 31, 2003: The committee shall take action on the report and report to the status to the legislature
- June 30, 2004: The committee shall report the status to the legislature
- December 31, 2004: The committee shall report the status to the legislature (Sec. 2, (9) (iv))

### **TPEAC:**

- December 31, 2003: The committee shall provide a summary report to the legislature that details the committee's status and performance and its progress in implementing its master work plan
- June 30, 2004: The committee shall provide a summary report to the legislature that details the committee's status and performance and its progress in implementing its master work plan
- December 31, 2004: The committee shall provide a summary report to the legislature that details the committee's status and performance and its progress in implementing its master work plan (Sec. 2) (13)

# 2003 Report to TPEAC

## Signatory Agency Committee (SAC) Agreement

December 10, 2003

### WHY IS THIS REPORT BEING PROVIDED?

This annual report is being provided as requested under TPEAC Resolution Number 15, May 8, 2002, that endorsed the SAC Agreement as a streamlining tool. The reporting period is September 2002-2003.

### WHAT IS THE SIGNATORY AGENCY COMMITTEE (SAC) AGREEMENT?

- The purpose of the Agreement is to integrate aquatic resource permit requirements into the NEPA process to improve and streamline transportation project delivery and provide increased environmental protection.
- The SAC Agreement currently applies to transportation projects requiring a National Environmental Policy Act (NEPA) EIS and individual Corps of Engineers Section 10 or 404 permit.
- The original 1996 NEPA/404 Merger Agreement was formally revised in September 2002 to incorporate several process improvements developed collaboratively by the state and federal SAC Signatory Agencies.

### WHICH TRANSPORTATION PROJECTS WERE EVALUATED?

Projects evaluated for this report include the Southeast Issaquah Bypass, Alaskan Way Viaduct and Seawall, State Route 520 Translake Bridge Replacement, State Route 509 Corridor Completion/I-5/ South Access Road, State Route 35 Columbia River Bridge, and Interstate 5 Toutle Park to Maytown.

For a full list of active SAC projects and those that have recently completed the SAC process please see the attachment to this report.

### WHAT DO THE PERFORMANCE MEASURES SHOW?

A detailed evaluation of the above-mentioned transportation projects participating in the SAC process was conducted. 32 individual agency Concurrence responses were reviewed applying specific performance measures adopted by the SAC agencies. The performance measures showed:

1. Projects submitted the optional Pre-Concurrence package **29%** of the time.
2. **95%** of all project Concurrence requests were approved or waived.
3. **5%** of the Concurrence requests (**2 total**) were denied invoking Issue Resolution.

4. Issue Resolution is working although being completed in **39 days** later than the SAC process **32 day** timeline goal.
5. **82%** of the Concurrence request responses were received within the 45-day SAC review period goal.
6. **18%** of the Concurrence responses were late by a median of **13 days**.
7. Individual agency median Concurrence response times ranged from **20 to 52 days** with a median of **44 days**.
8. Transportation projects responded to agency Concurrence Advisory Comments **89%** of the time. The median time responding to Advisory Comments was **44 days**, within the SAC goal of 45 days.
9. However, **11%** of the Advisory Comments did not receive a response as required.

#### ARE ADDITIONAL SAC PROCESS IMPROVEMENTS BEING DEVELOPED?

Yes. SAC agency representatives have worked diligently to develop and achieve consensus on the following improvements.

##### Completed

Established a Voting Protocol  
 Established Performance Measures  
 Update Purpose and Need Guidance  
 Produced SAC Guidance Document

##### In-Progress

Update Aquatic Mitigation Guidance  
 Update Screening Criteria Guidance  
 Update Level of Detail Guidance

#### WHO ARE THE SAC AGENCY REPRESENTATIVES?

SAC Agency Representative	Agency Representing
Nancy Brennan-Dubbs	U.S. Fish and Wildlife Service
Richard Clark	U.S. Environmental Protection Agency
Teresa Eturaspe	Washington Dept. of Fish and Wildlife
Mike Grady	NOAA Fisheries
Phil KauzLoric	Washington Department of Transportation
Jack Kennedy	U.S. Army Corps of Engineers
Sharon Love	Federal Highway Administration
Elaine Somers	U.S. Environmental Protection Agency
Kate Stenberg	U.S. Army Corps of Engineers
Terry Swanson	Washington Department of Ecology

#### FOR ADDITIONAL INFORMATION

Please contact Phil KauzLoric, Washington Department of Transportation, at (360) 705-7486 or via e-mail at [kauzlop@wsdot.wa.gov](mailto:kauzlop@wsdot.wa.gov) or go to the WSDOT web page [http://www.wsdot.wa.gov/environment/compliance/SAC\\_Committee.htm](http://www.wsdot.wa.gov/environment/compliance/SAC_Committee.htm)



## Active and Recent Signatory Agency Committee (SAC) Agreement Projects - November 2003

\* Denotes transportation projects evaluated in December 10, 2003 SAC Report to TPEAC

Region/Mode	Project	Document Type	Last Concurrence Point (CP)	Date	Next Concurrence Point (CP)
Rail	Kelso to Martin's Bluff Rail Project	NEPA/SEPA EIS	CP 2	April 2002	CP 3
Urban Corridors	SR 520 Translake *	NEPA/SEPA EIS	CP 2	October 2002	CP 3
	SR 99 Alaskan Way Viaduct *	NEPA/SEPA EIS	CP 2	August 2003	CP 3
Northwest	SE Issaquah Bypass *	NEPA EIS	CP 2 – Issue Resolution completed	October 2002	CP 3
	Novelty Hill Road	NEPA EIS	CP 1 completed	September 2003	CP 2
	SR 104 Edmonds Crossing	NEPA EIS	CP 3	May 2001 – Non-Concurrence received	CP 3
Olympic	SR 167	NEPA Tier II EIS	CP 2 - Issue resolution suspended.	April 2001	CP 3
South Central	I-90 Snoqualmie Pass East	NEPA EIS	CP 2	September 2002	CP 3
Southwest	SR 35 Columbia River Crossing *	NEPA EIS	CP 2	December 2002	CP 3
<b>Recently Completed SAC Process</b>	SR 509 – UCO *	NEPA EIS	CP 3	October 2002	N/A – FEIS issued January 2003
	I-5 Toutle Park / Maytown - SWRO *	NEPA Tier I EIS	CP 3	December 2002	N/A – FEIS issued September 2003

**KEY:** CP1 – Concurrence Point 1 - Project Purpose and Need and Criteria for Alternatives Selection

CP2 – Concurrence Point 2 - Alternatives to be evaluated in the draft EIS

CP3 – Concurrence Point 3 - Final EIS Mitigation Plan and Preferred Alternative

## TPEAC Budget 2003-05 Biennium

## Budget Status

12/4/2003

	Approved by TPEAC 6/03	Obligated	Approved Budget Overrun	Approved Budget Underrun
<b>Agency Contracts</b>				
WDFW	\$450,000	\$535,811	\$85,811	
Ecology	\$600,000	\$710,000	\$110,000	
NWIFC	\$150,000	\$159,549	\$9,549	
UCUT	\$150,000	\$150,000		
CRITFC	\$150,000	\$150,000		
Cities	\$300,000	\$300,000		
Counties	\$300,000	\$300,000		
DNR	\$14,055	\$14,055		
CTED	\$22,500	\$22,500		
USACOE	\$75,000	\$0		\$75,000
NOAA Fisheries	\$75,000	\$75,000		
USFWS	\$75,000	\$75,000		
<b>Agency Contracts Subtotal</b>	<b>\$2,361,555</b>	<b>\$2,491,915</b>	<b>\$205,360</b>	<b>\$75,000</b>
<b>WSDOT Admin</b>				
WSDOT Staffing	\$523,445	\$413,455		\$109,990
Training	\$290,000	\$200,000		\$90,000
Printing/Travel	\$75,000	\$75,000		
<b>WSDOT Admin Subtotal</b>	<b>\$888,445</b>	<b>\$688,455</b>		<b>\$199,990</b>
<b>Consultant Services</b>				
	\$150,000			
Herrara - AKART Programmatic		\$30,000		
WDFW Watershed/Recovery Planning		\$50,000		
EES Watershed Policy Development		\$50,000		
<b>Consultant Services Subtotal</b>	<b>\$150,000</b>	<b>\$130,000</b>		<b>\$20,000</b>
<b>Budget Total</b>	<b>\$3,400,000</b>	<b>\$3,310,370</b>	<b>\$205,360</b>	<b>\$294,990</b>
<b>Balance</b>				<b>\$89,630</b>
<b>Other Proposals</b>				
NWIFC - SSHIAP		\$51,000		
<b>Other Anticipated Needs</b>				
Consultant Services - Programmatic				
Consultant Services - Watershed				
Consultant Services - Permit Drafting				

# **Status Report: Programmatic Subcommittee Work on Drainage Maintenance Activities**

December 2003 Transportation Permit Efficiency and Accountability Committee

Prepared by: Gregor Myhr, Permit Specialist – WSDOT

Reviewed by: Programmatic Subcommittee

## **Why are we here today?**

We are here to present a status report on the Programmatic Subcommittee's effort to develop multi-agency programmatic coverage for drainage maintenance work.

## **Where are we now?**

On November 6, 2003 the Programmatic Subcommittee developed a final draft Programmatic Agreement that was sent out for review with comments due December 3<sup>rd</sup>. This Agreement identifies activity descriptions and conditions for the following activities:

- Channel Maintenance
- Fish Passage Barrier Maintenance
- Culvert Maintenance
- Culvert Replacement (non-fish bearing streams)

### **Status:**

- December 3<sup>rd</sup>, comments due on final draft programmatic agreement.
- January 2004 -
  - WDFW to issue 5 year General HPA permits.
  - Corps to issue policy guidance for exempt activities from a Nationwide Permit.
  - Ecology revise WQIA

## **Next Steps**

- The subcommittee expects to incorporate comments received into the final Agreement by mid-December.
- Permit agencies will issue programmatic permit coverage for activities covered in the Agreement in January. For example, WDFW expects to issue 4 general HPA permit permits for each of the 4 activity categories. Ecology expects to revise the Water Quality Implementing Agreement. The Corps expects to establish regulatory guidance regarding clarifying that the majority of these activities are exempt from a Nationwide Permit.

## **Anticipated Benefit**

### WSDOT:

WSDOT surveyed field staff and received the following feedback regarding the benefit of these programmatic permits in terms of time and cost savings:

- Channel maintenance – The annual average frequency for this type of project is 72 times per year.
- Fish passage maintenance – The annual average frequency for this type of project is 3 times per year. However, it is expected to become more frequent as the total number of WSDOT owned fish passage structures increases. Currently, WSDOT owns 105 fish passage structures.

- Culvert maintenance – The annual average frequency for this type of project is 720 times per year.
- Culvert replacement – The annual average frequency for this type of project is 30 times per year. This estimate is only for culvert replacements conducted by maintenance forces. The subcommittee determined that programmatic coverage should only apply to non-fish bearing streams. This determination was based on the understanding that culvert replacement in fish bearing streams are very site specific in terms of design and environmental impact and would necessitate individual permit review. The subcommittee will look at expand programmatic coverage for this activity in the future.

Washington State Parks and Recreation Commission, Cities, and Counties:

The Washington State Parks and Recreation Commission (WSPRC), Cities and Counties have also participated in the review of the programmatic for work on drainage maintenance activities.

Feedback on the proposed programmatic is supported and beneficial. Cities, Counties, and WSPRC that use the proposed programmatic can likely provide at least 40% coverage of their maintenance programs. The following response from the City of Kennewick represents a typical response from the cities that provided feedback:

*Would you apply for a programmatic HPA from WDFW?*

We have used another programmatic HPA from WDFW for fish friendly aquatic projects in the past. This HPA would be useful for maintenance projects as listed in the programmatic.

*Would you apply for a programmatic HPA from Department of Ecology?*

We would encourage the Department of Ecology to strongly take the programmatic approach to streamline work like that outlined in this work. There would be no net loss of water quality to waters of the state if the general provisions were followed by local agencies.

# **Status Report: Programmatic Subcommittee Work on Overwater Structure Maintenance and Repair Activities**

December 2003 Transportation Permit Efficiency and Accountability Committee

Prepared by: Gregor Myhr, Permit Specialist – WSDOT

Reviewed by: Programmatic Subcommittee

## **Why are we here today?**

We are here to present a status report on the Programmatic Subcommittee's effort to develop multi-agency programmatic permit coverage for Overwater Structure Maintenance and Repair Activities.

## **Where are we now?**

On June 2003 the Programmatic Subcommittee developed final Unified Conditions document that covered WSDOT overwater and ferry structure maintenance and repair work. This final document would lead to the issuance of programmatic permits by both Ecology and Department of Fish and Wildlife.

On June 16, 2003 Washington State Department of Fish and Wildlife issued a 5-year general HPA permit that provides programmatic coverage for that agency for all of the activities covered in the Unified Conditions document. This programmatic permit is already being used in the field for various transportation activities and has resulted in time and cost savings associated with processing permit applications as well as protection of the environment.

On October 24, 2003 Ecology provided WSDOT with a draft NPDES (National Pollutant Discharge Elimination System) permit and fact sheet for review and comment. This permit establishes thresholds for discharge of wash water associated with bridge and ferry terminal washing activities. On November 13<sup>th</sup>, WSDOT submitted comments on the draft NPDES permit to Ecology. In summary, conditions of the permit will allow continued use of "filter tarp" treatment for discharge water for painting activities in streams where the stream flow is greater than 55cfs. This threshold will cover approximately 60% of WSDOT steel bridges that are subject to the painting program. In addition, painting projects that meet this standard are expected to have a 50-100% reduction in cost compared to a full containment method.

## **Next Steps:**

Ecology will issue the final NPDES permit during the 1<sup>st</sup> week of December for 30 day public comment. Following the public comment period the permit will become final.

WSDOT will fulfill monitoring and reporting requirements associated with use of the permit.

### **Status:**

- June 2003 – Programmatic Agreement finalized.
- June 2003 – 5 year General HPA issued by WDFW.
- December 2, 2003 – Ecology to issue final NPDES Permit for 30 day public review.

### **Terms and Conditions:**

#### **General HPA:**

- 5 year permit.
- Covers all bridge and ferry terminal maintenance work.

#### **NPDES Permit:**

- 5 year permit.
- Maintenance washing occurs during wet months (no containment).
- Painting prep washing can use tarp filter treatment on streams greater than 55 cfs.
- Painting prep washing must use full containment of wash water on streams less than 55 cfs.
- Monitoring discharge water is required.

**TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE**  
**(TPEAC) MEETING, JULY 30, 2003**  
**BEST WESTERN, KIRKLAND, WA.**

**COMMITTEE MEMBERS PRESENT**

*VOTING*

Senator Dan Swecker, Senate Republican Caucus  
Senator Margarita Prentice, Senate Democratic Caucus  
Representative Phil Rockefeller, House Democratic Caucus  
\*Representative Doug Ericksen, House Republican Caucus  
Don Nelson, Washington State Department of Transportation  
Scott Boettcher (for Gordon White), Washington State Department of Ecology  
Peter Birch (for Greg Hueckel), Washington State Department of Fish and Wildlife  
Joan McBride, Association of Washington Cities  
Scott Merriman, Washington Association of Counties

*Non-Voting*

Ann Agaard, Statewide Environmental Group  
Dan Dixon, Consulting Engineers Council of Washington  
Jeff Spencer, Yakama Nation (for Chris Golightly Columbia Inter-Tribal Fish Commission)  
Willy O'Neil, Association General Contractors of Washington  
Mary Verner, Upper Columbia United Tribes  
Lynn Childers, U.S. Fish and Wildlife Service  
Darrell Phare, Northwest Indian Fisheries Commission  
\*Association of Washington Business  
\*Washington State Building and Construction Trades Council

*Invited*

Mike Grady (for Bob Turner), NOAA Fisheries  
Kate Stenberg (for Tom Mueller), U.S. Army Corps of Engineers  
Jim Leonard (for Dan Mathis), Federal Highway Administration  
Annie Szvetecz, Washington Department of Natural Resources  
Lynn Childers, U.S. Fish and Wildlife Service  
\*Environmental Protection Agency

\*Denotes no representative in attendance

**WELCOME & INTRODUCTIONS**

Tom Dillon, council member with the city of Kirkland, greeted members of the committee in place of the Honorable Larry Springer. Dillon applauded the work of TPEAC citing that the

improvements made to the permitting process can serve as a model to other types of projects and permitting processes.

Senator Swecker mentioned the trip taken by himself and Rep. Phil Rockefeller to Washington D.C. in order to gather support and federal resources committed to TPEAC. They were able to discuss with Rep. Norman Dicks (Washington 6<sup>th</sup>), Rep. Jay Inslee (Washington 1<sup>st</sup>), Rep. Brian Baird (Washington 3<sup>rd</sup>), and Senator Patty Murray the importance of TPEAC and the contributions it is making to local, state, and federal practices. There is growing support of the principles held by TPEAC.

TPEAC is providing leadership for many venues around the state, nation, and world. Senator Swecker mentioned that just recently he was able to brief/share some of TPEAC's practices and how they are relevant to a current Black Sea Project; demonstrating how TPEAC's efforts and practices are applicable globally.

Additionally, Senator Swecker and Representative Rockefeller stressed the need for more FTE's for Fish and Wildlife, NOAA Fisheries, and the Corps of Engineers.

#### **APPROVAL OF MINUTES**

Approval of June 25, 2003 Draft minutes prepared by Kelly Stowe

Minutes approved as written, with a side-note marking the misrepresentation of Representative Ericksen (was titled as Senator).

#### **03-05 BIENNIAL BUDGET REVIEW**

Peter Downey, WSDOT, discussed biennial funding levels for the committee's final approval.

The budget for this biennial is less than previous budgets; consequently, individual agency budgets are less generous. In the attempt to stay within the framework of the allotted budget some agencies were not designated any funding. It is necessary to understand that TPEAC is trying to accomplish much with limited resources; this budget report represents our efforts to incorporate all the elements discussed within last month's TPEAC meeting

The 03-05 Biennial Budget Review reflects the need for representation on the Programmatic Subcommittee by Fish and Wildlife, NOAA Fisheries, and Corps of Engineers.

Mike Grady, NOAA Fisheries, posed a question whether or not there were any plans to increase FTE positions within FHWA. Jim Leonard, FHWA, commented that presently no such plans exist. The only existing plan in place is an agreement between the FHWA and D.C. Management Staff that allows for additional Mega Project funding.

Because there is a need for more resources coupled with the inability of state and local agencies to voice that need, Senator Swecker asked to be informed by agencies of their needs so he can lobby on their behalf.

Scott Merriman asked what constitutes a “mega Project” and was informed by Jim Leonard that any project whose budget exceeds one billion is considered to be a “mega project”. Currently, I-405 is the only working mega project though more are anticipated within the next six years.

Annie Szvetcz, Department of Natural Resources, commented that the budget does not allot any funding from TPEAC to DNR. Szvetcz stressed that DNR is very interested in the processes and policies of TPEAC but that, unfortunately, it is her perception that DNR has been viewed somewhat negatively by this committee. Nevertheless, DNR is trying to integrate TPEAC’s processes; generating concern on how funding may be obtained for liaisons with DNR and how DNR can still be a part of this process.

Senator Swecker replied that TPEAC recognizes the value of DNR and, furthermore, that the comments made by Annie Szvetcz, on behalf of DNR, have been received. However, Sen. Swecker noted that after reviewing the proposed funding package with the intended direction of TPEAC in mind, it was determined that certain aspects currently funded would require streamlining.

Peter Downey commented that the budget is straight forward and that he will be, and has been, talking with each agency to let them know that the figures presented within this budget report account for all available funds. Each agency is receiving all there is to work with.

Senator Swecker pointed out a deviation from previous TPEAC Biennium budgets noting that the new focus of this proposed budget has drifted to the Tribes from the agencies. This shift is in response to new efforts that will increase the involvement of the Tribes in the permitting process.

A shift in conversation brought up the issue of Consultant Services and how they are utilized within WSDOT. Peter Downey referred to the On-call consultant pool that allows for competition between several consultants enabling WSDOT to draft contracts in the most efficient manner. As committees identify issues, the more complex projects may require analysis from others besides In-house staff. In those instances, DOT relies on the consultants as they provide more flexibility in completing complex analysis in a timely manner.

Scott Merriman, Washington Association of Counties, applauded the efforts of TPEAC staff noting that they have done a great job getting all the little details smoothed out with the Washington Association of Counties.

Senator Margarita Prentice commented on the importance of the Washington Association of Counties to feel as though they have a voice that is heard, and that any concerns will be met responsively. It is necessary that the counties feel they are being considered.



Scott Merriman responded that the candidness of the department is greatly appreciated, both for the criticisms and compliments. Merriman commented on the need to focus on resolutions rather than transference.

**MOTION: to approve budget as presented**

**MOTION PASSED unanimously by present voting members**

Additional thanks was given by Jackie White, Association of Washington State, noting that the department has really stepped up to the plate and that the work and assistance provided is appreciated.

**SR 202 PROJECT REVIEW**

Ron Pannanen reviewed the project; Ken Smith presented findings from a Value Engineering Study and; Kurt Buchanan discussed his experience with the process.

WSDOT proposes to widen almost three miles of State Route 202 from SR 520 to Sahalee Way NE. The project begins in the commercial area of Redmond at SR 520, travels through a small portion of the City of Sammamish near 192<sup>nd</sup> Place NE, and ends in the rural area of King County at Sahalee Way NE.

**Objectives of the Proposed Action:**

- 1) Decrease congestion by adding an additional travel lane in each direction, adding turn lanes and by synchronizing the traffic signals.
- 2) Improve the safety of traffic, bicyclists, and pedestrians by separating traffic and providing better lighting.
- 3) Reduce the frequency of accidents related to lateral movement and congestion.

**Environmental Challenges:**

The eastern portion of this project is adjacent to Evans Creek, and most of the highway widening is within King County regulated floodplain. Most of the widening is also within the Evans Creek wetland system. Due to the Endangered Species Act, any wetlands tied to the salmon bearing streams are automatically of the highest class regardless of their quality.

Impacts to wetlands, wetland buffers, streams and stream buffers are not allowed under King County code. Permission to impact these sensitive areas can only be granted if the project proponent can prove that there are no reasonable and feasible alternatives to the proposal that would result in a lesser impact. This has resulted in many project iterations.

Replacement of two small bridges with longer, higher bridges, required to improve fish survival and habitat, will have the unintended consequence of allowing more floodwater to pass downstream faster during peak rain storms. This violates King County code by increasing flood elevations on downstream properties and potentially damaging land and property in King County residents. To meet the King County code requires creating storage areas for floodwater and proving that downstream landowners will not be impacted.

**Action Plan to Resolve Environmental Challenges:**

- 1) Coordinated with permitting agencies closely during preliminary design

- 2) Involved agency permitting staff in the recently held Environmental VE Study to allow them to take part in arriving at mutually acceptable project decisions
- 3) Minimized impacts by adding significant lengths of walls and lower impact water quality and detention features
- 4) Created floodplain storage sites that double as wetland mitigation sites to minimize project costs

As described by Ron Pannanen, WSDOT, SR 202 is a sixty-three million dollar project that is encompassed within two spheres; one within Redmond, and the other in unincorporated King County. Some of the more significant challenges associated with this project result from Evan's Creek, an ancient slide area, and surrounding wetlands. Because this project possessed a significantly higher environmental cost, relative to other surveyed projects of the same size, a VE team was assembled to determine how to minimize the environmental impacts while still achieving the goals of the project.

Ken Smith, WSDOT, offered more insight regarding the purpose and intent of the VE team stating that the multi-agency VE team assembled, over the course of three days, to assess and determine the logistics of this project in order to identify the cause of the inflated cost. At the onset, mitigation for this project was seven million dollars. The goal for the VE team, therefore, was to find ways to make this project more efficient.

It was determined that the most effective method of achieving this goal was to minimize the environmental impacts. While some of the initial recommendations were later realized to be incompatible with the surrounding environment of this project (soil would not support recommendations), alternative suggestions were able to be incorporated into the project design. Ultimately, the VE team was able to reduce the project cost to 4.6 million from the previously estimated 7 million, as well as, reducing the acreage of wetlands, to be taken over by the design, from three to under one.

Kurt Buchanan, WDFW, discussed the idea of how and why the application of the VE Team to other projects would be beneficial. The VE team provides a novel way of solving many of the common delay processes associated with permitting, specifically add-dates. In addition to adding this process to other projects, Buchanan added that a greater goal would be to not only reduce environmental impacts but to actually improve the environment upon completion of a project. One example of this ideal is to find some immediate and long-term benefits to salmon; while VE was able to minimize the impacts to the stream processes, there is still a need for improvement to Evan's Creek.

Senator Swecker wondered given VE is a first attempt, would it be beneficial for members of the team to be experienced.

Buchanan replied that yes, expertise and experience is necessary.

Senator Swecker agreed that one of the goals of this group is to find partners that allow us to not only minimize the environmental impacts but to also improve the environment.

Representative Rockefeller proposed that VE should be incorporated into MAP T and implemented into an earlier stage of project development.

Ken Smith, WSDOT, stated that DOT already has a policy of implementing these practices at early stages of development.

Representative Rockefeller asked if the members within the DOT who are involved in this process are representative of several agencies.

Ken Smith replied that the people serving are site-specific and have been chosen because of their expertise pertaining to a certain project.

Senator Swecker observed that MAP T is a prime candidate to supply the necessary people for such a team. Another foreseeable benefit is that over time VE will become a more proficient project and the inter-agency partnering will facilitate better communication between agencies.

Secretary MacDonald commented that VE needs to suspend normal thinking; that its function should be based on brainstorming. Successful VE is based on the six or seven good ideas out of the hundred proposed. MacDonald emphasized that at WSDOT it is important not to mistake VE for good project development. Rather, in its ordinary course VE should take up the bulk of this process. WSDOT should be doing this all the time, with all projects, and we want the project development to include these processes and not have VE be responsible solely.

Senator Prentice and Senator Swecker both commented on the need for making funding and permitting processes more efficient so that projects are being completed within their projected timeframe. Senator Prentice also mentioned that it is her hope that this committee is serving to eliminate many of the obstacles encountered with this particular project so that similar projects can be completed more timely.

Mike Grady noted that in trying to meet these particular add dates, one of the issues they are encountering is getting involvement from the agencies late in the development stage. Grady urged the committee to find ways to get federal agencies involved at an earlier stage of development than they have been so constraints can be identified as soon as possible.

Senator Swecker agreed on the need for early involvement, and to ask direct questions at the local level of planning. Federal agencies need to start identifying ways to integrate on the local level. Swecker commented how the State of Washington is changing its business practices and that now, more than ever, it is important to start only those projects that can be finished; all the Nickel Projects have been funded from start to finish.

Representative Rockefeller asked if NOAA Fisheries would be willing to participate in MAP T.

Mike Grady responded that NOAA Fisheries would be willing to participate in MAP T and that the earlier a project and its location can be identified the earlier their biologists can work on the assessments and impacts.

Representative Rockefeller asked if the concurrent model would be inclusive of local, state, and federal. Mike Grady responded that while he is not precluding a concurrent model, he does see the need for further examination at the local and state levels.

Senator Swecker recognizes that there is an increased workload; yet, he warns that if things continue unchanged the workload will only triple or quadruple.

Darrell Phare, Northwest Indian Fisheries Commission, mentioned his concerns that the Tribes are not being included during the early phases of these projects and that instead, quick fixes at a late stage are occurring. When discussing impacts and whether they are insignificant or not, the question was raised as to who determines what is significant. Those are the types of things that become significant before anyone realizes it. Early consultation with these tribes needed.

Senator Swecker stated that he is in agreement with the sentiments expressed by Darrell Phare, and that the potential for partnership with the Tribes is tremendous. Senator Swecker further encouraged the committee to consider the use of Tribal knowledge and expertise with projects.

### **TOUR OF SR 202**

Alec Williamson hosted a tour of SR 202 and reviewed project characteristics and mitigation opportunities.

### **TOUR OF KIRKLAND**

Joan McBride reviewed aspects of Kirkland's Transportation Systems and Growth Management attributes that make this one of Washington's most livable cities.

The Committee adjourned upon disembarking the tour bus.

Senator Swecker added as a personal note that he was very proud of the people who have worked in this process.

Dan Mathis, FHWA also applauded all the agencies that had worked together. He noted that we should take lessons learned and apply to less complex more routine projects because those are the ones that we have to apply these improved process and lessons learned to.

### **PROGRAMMATIC SUBCOMMITTEE WORK PLAN, DELIVERABLES AND RESOURCE NEEDS**

Gregor Myhr, WSDOT presented the TPEAC Programmatic Subcommittee work plan and timelines established by ESB 5279 passed by the 2003 Legislature.

The Programmatic Subcommittee is expecting to complete final Unified Conditions and obtain programmatic permit approval for bridge and ferry terminal maintenance work by the end of July 2003.

Currently, the Programmatic Subcommittee is beginning work on developing multi-agency programmatic approval for the next set of high priority activities titled "Drainage Maintenance" which include:

- Ditch and Channel Maintenance
- Fish Barrier Maintenance
- Culvert Maintenance
- Culvert Replacement

The subcommittee will meet the week of July 14<sup>th</sup> to define the activities to be covered and identify the permit issues related to these activities, the programmatic opportunities, thresholds for use of programmatics, availability of staff resources and time frame for completion. Currently, the scheduled completion date for this group of activities is September 30, 2003.

To fully achieve the TPEAC goal of developing multi-agency conditions, it is imperative that all jurisdictional agencies over these activities participate in the process, which include local agencies, WDFW, Ecology, the Corps, USFWS, and NOAA Fisheries. Currently, WSDOT, WDFW and Ecology have committed to participating in the process. Additionally, representatives from cities and counties are needed to coordinate state and federal requirements with local ordinances.

The Programmatic Subcommittee will begin work on the seventh and eighth of the nine high priority activities, which include bridge scour and stream bank stabilization starting in September 2003 and finish in January 2004. They will begin work on the ninth high priority activity, which includes bridge removal in January 2003 and finish in June 2004.

#### **Next Steps**

- Secure staffing commitments from local agencies, the Corps, USFWS and NOAA Fisheries to participate in the programmatic process starting now with the

work on the drainage maintenance activities and continuing on with completion of the remaining 9 high priority activities.

- Develop a detailed scope of work for the “drainage maintenance” group of activities. This will be accomplished at the next Programmatic Subcommittee Meeting.
- Develop a prioritized list of remaining departmental activities eligible for programmatic, multi-agency consideration by September 30, 2004.
- Develop a schedule of activities and resources to achieve completion of the prioritized list of programmatic agreements by December 31, 2005.

#### TPEAC Budget and Staffing Needs

To accomplish all of these goals, funded positions are needed for city and county representatives, the Corps, USFWS and NOAA Fisheries each of the above mentioned resource agencies. This equates to 5.0 Biennial FTE.

Additionally, it will be necessary to use technical consultants to develop engineering analyses in support of this effort. Approximately \$100,000 will be needed for this purpose.

Programmatic Approvals TPEAC budget total: \$850,000

Representative Rockefeller asked if the entities that were not state agencies were in a position to ensure staff will participate, and are they able to participate and bring to table the authority to move process forward.

Jackie White and Scott Merriman are working with Peter Downey to get contracts set up so the counties and cities can better participate in permit streamlining efforts.

Lynn Childers, USFWS, explained that his agency would like to participate but it's a matter of staffing and funding. Currently, USFWS has between 2 ½ to 3 FTE's beside liaisons working on transportation issues.

Peter Downey explained that he is currently looking at taking liaison program, project and TPEAC, and putting them under one management. The final budget for TPEAC will be presented next month.

Mary Verner, CRITFC, suggested that TPEAC engage the tribes, and address the tribal permitting process at this stage so it does not become a problem.

Senator Swecker suggested that the programmatic work plan be amended to include the tribes in the process.

**MOTION:** Second paragraph of programmatic agreement to include tribal involvement. **Passed**

#### **ONE STOP/PILOT PROJECTS/MULTI AGENCY PERMIT TEAM WORK PLAN, DELIVERABLES AND RESOURCE NEEDS**

Shari Schaftlein, WSDOT presented an update on what tools the Subcommittee has been developing and recommendations to support coordinated environmental review and permitting. Current Works in progress include:

The Hood Canal Bridge and SR-24 Yakima River Bridge Pilot projects will be reviewed to determine lessons learned. Interdisciplinary Team (IDT) participants are being interviewed and guidance developed, which will provide details on why, when, and how to convene and conduct an interagency Interdisciplinary Team. This will be a tool for streamlining transportation project delivery.

The unified permit binder (UPB) is a document management that integrates project information, environmental analysis, and permit development into a single reference for the public to find up-to-date project details and regulatory information.

Analysis is being completed on opportunities for concurrent public comment, joint public hearings, joint appeals, and joint agency review of environmental permits. This analysis will determine where legislative changes are necessary opposed to administrative solutions.

Analysis is also being completed on common data requirements for permit applications.

This current subcommittee work will be completed by the end of September 2003. Staff resources needed to complete this work includes subcommittee members from Ecology, WDFW, CTED, and DNR. (0.5 Total Biennial FTE.)

TPEAC funding will support only part of the team's staffing costs. 3.0 Biennial FTE and \$500,000 are needed from the TPEAC budget.

### **Working Lunch – Nickel List Projects**

The Transportation Budget (ESB 1163) requires TPEAC to select ten pilot projects where WSDOT will draft permit terms and conditions for permitting agency review and approval. The one-stop permitting work plan must address delivery of these pilot projects.

The legislature has stipulated that the project selection reflect the following criteria:<sup>1</sup>

- The projects must be contained in the funded list
- The projects must not yet have received their requisite state permits
- The projects must be representative of both urban and rural areas
- The projects must represent a wide variety of locations across the state.

During the July TPEAC Meeting, it was suggested that WSDOT select a dozen projects. WSDOT has reviewed the funded project list referred to in the legislation. After consultation with regional offices, fifteen projects have been identified as a candidate pool of projects that seem to match the legislature's selection criteria.

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<sup>1</sup> ESB 1163, Sec. 305 (11)/

Senator Swecker asked whether or not AASHTO has been given the data concerning these listed projects.

Greg Selstead, WSDOT, replied that WSDOT is working with them (AASHTO) and there are good opportunities for information exchange. Selstead also emphasized, specifically, that there are 16 projects listed; 15 of those are from the “Nickel List”. WSDOT has brought forward 10 projects that we would like to recommend for adoption from legislation.

The ten projects are:

- US 101 – Northbound Truck Climbing Lane
- I-5 Pierce County Line to Tukwila Phase 4 HOV
- I-405 Master Plan: Phase I (Nickel Projects)
- I-5 from Rush Road to 13<sup>th</sup> Street
- SR 106/Skobob Creek – Fish Passage
- SR 539 I-5 Access/Improvements: Ten Mile Rd to International Border
- SR 270 Pullman to Idaho St Line – Additional Lanes
- SR 22 / I-82 to McDonald Road
- SR 24 / I-82 to Keys Rd – Additional Lanes
- WSF Project – Edmonds Multimodal Terminal

This list includes a proposed Ferry Project (WSF Project) and will include a, as yet undetermined, Rail Project.

Senator Prentice commented on the variables that may impact the decision of identifying a specific Rail Project. Her thoughts centered on large corporations, such as Boeing and their 777 project; depending on where Boeing is located, and other large industries, complications will arise regarding the rails and their location. A point that Senator Prentice feels is worth consideration.

Willy O’Neil commented on the need for a multi-agency approach regarding the proposed projects. O’Neil reiterated that a multi-faceted approach is a good approach. Additionally, he emphasized that early local level participation (scoping) would be beneficial.

Annie Szvetcz expressed a follow-up point regarding the idea that projects need to move beyond the pilot phase. An additional concern noted by Szvetcz is that this workplan does not necessarily reflect the work undertaken by the subcommittee during the past 5 months. Based on the assumption that little discussion regarding the recommendation for the September 30<sup>th</sup> sunset, Szvetcz would like to further define the future role of the subcommittee. Specifically, what else besides permit drafting will be piloted – based on our committee and TPEAC?

Senator Erickson mentioned that he would like to see an increase in the amount of assistance WSDOT provides to local level projects. The idea being, WSDOT possesses the expertise and experience dealing with permit issues, which would benefit projects on the local level. Additionally, he would like to apply the overall aspects of TPEAC to local processes.



Joan McBride stated that turning over more of the control, work, and permitting to WSDOT is not something she has in mind, and expressed an interest in maintaining local control.

Senator Erickson clarified the issue stating that involvement from the WSDOT would not result in redrafting any existing practices. In his opinion, it is a matter of utilizing the expertise and knowledge of the WSDOT to speed up the process on the local level.

Secretary MacDonald agreed stating that is why he has stressed the idea that the level of involvement and collaboration with the WSDOT needs to begin at an early stage of development. Ideally, this will become a work process improvement that will reduce some of the paperwork.

### **Multi-Agency Permitting Teams (MAPT): Concept Paper**

Presented by Peter Downey, Environmental Streamlining Mgr, WSDOT

WSDOT, WSDOE, and WDFW have been working for the past few weeks to develop a project-delivery organizing framework as a model with which to apply the processes and tools developed in TPEAC across the entire spectrum of projects the state is now charged with delivering. The MAPT will consist of representatives from regulatory agencies and WSDOT who are responsible for meeting project timelines and permitting requirements for a given set of projects over the course of a year. This team is designed as a set of technical experts that will expedite permitting for transportation projects; therefore, they will set schedules for permit delivery to ensure that project advertisement dates are met. The target date for the first MAPT to be up and running is September 1, 2003.

This team will consist of: a WSDOT Team Manager; a WSDOT Permit Coordinator; a WDFW hydraulics engineer; a WDFW a permit biologist; a WSDOE permit specialist in Coastal Zone Management requirements, state Shorelines Management requirements, federal and state wastewater discharge requirements, and federal and state 401 water quality certification requirements, a WSDOE permit specialist in federal and state stormwater management requirements, and a WSDOE permit specialist in federal and state wetlands protection and management requirements.

Additionally, effort will be made to bring representatives from the Army Corps of Engineers, NOAA Fisheries, and USFWS to the team. Team members still formally report to their respective agencies, but are expected to ensure that each transportation project meets environmental regulations.

WDFW positions on the MAP Team will have the necessary expertise and be empowered to make permit decisions. These positions will coordinate with the regional biologists and engineers. WSDOE team members will likewise have the necessary expertise and be empowered to make permit decision.

Funding for the first MAP Team will be provided in part with TPEAC funds and in part with transportation project dollars. Staff and overhead needs will be better established in the next few

week and an accurate budget and funding mechanism will be established. Target Date to resolve resource needs and levels is July 15, 2003.

The MAP Team is not a TPEAC subcommittee but is the application of TPEAC processes. As such, TPEAC funds will be used to help establish the first MAP Team. Subsequent teams will be supported by WSDOT project funds. It was noted that the MAP Team would not be limited to the TPEAC pilots.

Secretary MacDonald noted that TPEAC's proposal was to get some work teams together; therefore, he would like to report to TPEAC regarding the MAP Team. He also stated that some of the directives of TPEAC are being initiated on their own accord, and that having a committee (MAPT) that will report back to the TPEAC on how the practices of TPEAC are functioning is a good idea.

Senator Swecker commented that he was not sure if TPEAC needs to be responsible for this workplan.

**Motion:** Senator Swecker would like to strike the line that the Pilot Project Subcommittee be completed by September 30, 2003, and instead the committee report back to TPEAC in September. **Passed**

### **Watershed Based Mitigation Subcommittee Work Plan, Deliverable and Resource Needs**

Dick Gersib, Watershed Program Manager, presented this subcommittee work plan.

Conventional site-specific approaches to natural resource mitigation have failed to stop resource degradation. While federal, state, and local laws that regulate transportation projects seek to protect and maintain existing resource function, engineered fixes such as detention ponds, underground stormwater vaults, and created wetlands often fail to replace resources and functions lost.

The cost of mitigating transportation impacts is increasing, at times exceeding 30% of the total project cost. New mitigation alternatives are needed to satisfy our commitment to taxpayers that environmental impacts are mitigated and project costs are minimized.

Watershed Characterization is a series of steps that culminate in the identification and selection of the best site available for mitigating project impacts and providing the greatest resource value within existing regulatory guidelines. The analysis allows WSDOT and resource agencies to choose mitigation sites that will provide the greatest functional replacement, have a high probability of being successful, and ensure that we will get the highest value for our investments.

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other sites, or off-site alternatives, and other options. It was affirmed that this was a fair assessment.

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**Motion to adopt work plan. Passed**

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### **MEETING AJOURNED**

**TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE**  
**(TPEAC) MEETING, JUNE 25, 2003**  
**COMFORT INN SUITES, TUMWATER, WA.**

**COMMITTEE MEMBERS PRESENT**

**VOTING**

Senator Dan Swecker, Senate Republican Caucus  
Senator Margarita Prentice, Senate Democratic Caucus  
Representative Phil Rockefeller, House Democratic Caucus  
Representative Doug Ericksen, House Republican Caucus  
Greg Selstead for Don Nelson, Washington State Department of Transportation  
Sandra Manning for Gordon White, Washington State Department of Ecology  
Greg Hueckel, Washington State Department of Fish and Wildlife  
Joan McBride, Association of Washington Cities  
\*Washington Association of Counties

**Non-Voting**

Dan Dixon, Consulting Engineers Council of Washington  
Christine Golightly, Columbia Inter-Tribal Fish Commission  
Willy O'Neil, Association General Contractors of Washington  
Mary Verner, Upper Columbia United Tribes  
Lynn Childers, U.S. Fish and Wildlife Service  
Darrell Phare, Northwest Indian Fisheries Commission  
\*Association of Washington Business  
\*Washington State Building and Construction Trades Council

**Invited**

Bob Turner, NOAA Fisheries  
Tom Mueller, U.S. Army Corps of Engineers  
Dan Mathis, Federal Highway Administration  
Annie Szvetecz, Washington Department of Natural Resources  
Lynn Childers, U.S. Fish and Wildlife Service  
\*Environmental Protection Agency

\*Denotes no representative in attendance

**APPROVAL OF MINUTES**

The minutes for the May 14, 2003 meeting were approved as written.

**REVIEW OF DELIVERABLES FROM MAY 14, 2003 MEETING**

- ***Hood Canal Bridge Pilot Project:***

Randy Neff, WSDOT, gave an update to TPEAC on where the Hood Canal Bridge Pilot Project Team currently is. The bridge permits were issued, and the opening for bids occurred on June 18<sup>th</sup>. They ended up with 14 permits as opposed to just one, but exceeded all timelines in getting them. The industrial permit for the graving dock has yet to be issued.

Some of the beneficial elements that came from this project were: partnerships gained, trust developed, and a better understanding of what each of the agencies actually do. There were some conflicts during the time the group worked together, but were worked out in the end along with agencies taking a look at their internal processes that might better lend itself to permit streamlining.

Secretary MacDonald noted that this was not a typical project, it's complicated, and for the enormous amount of work, he watched scrambling at the director level happening to make sure timelines were made.

Tom Mueller, ACOE, added that good communication skills are needed. You can try to anticipate issues on a project, but there will always be issues you cannot anticipate. It did work, we had good communications, and everyone was involved, and we all got it together.

Senator Swecker agreed that there was a lot gained, but the new world is going to demand a different set of expectations from agencies. People want information now, and we will have to start making it available to people NOW. We have to have timelines and we have to have information, and if people think they can have timelines and information and not share, they are just wrong. It took us 25 years to make this process and the problem with the process is that it keeps things from getting done. Getting permits became a lifestyle. We are going to have to get to the point where the projects are the thesis and permits are the contingency. This means we are going to have to call these permit processes into accountability.

Senator Swecker said he didn't want to spend a lot of time patting ourselves on the back. We need to identify problems and fix them. If we don't come up with a system that lends itself to information technology that is transparent and predictable we are going to fall short and if we screw up the environment while we do it it's going to be worse. If we work on the problems, we will do more for the environment.

This project was completed seven months earlier than the timeline required, and this was the most complex project many of the group had ever seen.

One suggestion was that since the bulk of what we know about a project is understandable and fairly common at the onset, that information should be made available on day one. Everyone will know from the start what 90% of the project is going to look like.

Senator Swecker added as a personal note that he was very proud of the people who have worked in this process.

Dan Mathis, FHWA also applauded all the agencies that had worked together. He noted that we should take lessons learned and apply to less complex more routine projects because those are the ones that we have to apply these improved process and lessons learned to.

### **PROGRAMMATIC SUBCOMMITTEE WORK PLAN, DELIVERABLES AND RESOURCE NEEDS**

Gregor Myhr, WSDOT presented the TPEAC Programmatic Subcommittee work plan and timelines established by ESB 5279 passed by the 2003 Legislature.

The Programmatic Subcommittee is expecting to complete final Unified Conditions and obtain programmatic permit approval for bridge and ferry terminal maintenance work by the end of July 2003.

Currently, the Programmatic Subcommittee is beginning work on developing multi-agency programmatic approval for the next set of high priority activities titled "Drainage Maintenance" which include:

- Ditch and Channel Maintenance
- Fish Barrier Maintenance
- Culvert Maintenance
- Culvert Replacement

The subcommittee will meet the week of July 14<sup>th</sup> to define the activities to be covered and identify the permit issues related to these activities, the programmatic opportunities, thresholds for use of programmatics, availability of staff resources and time frame for completion. Currently, the scheduled completion date for this group of activities is September 30, 2003.

To fully achieve the TPEAC goal of developing multi-agency conditions, it is imperative that all jurisdictional agencies over these activities participate in the process, which include local agencies, WDFW, Ecology, the Corps, USFWS, and NOAA Fisheries. Currently, WSDOT, WDFW and Ecology have committed to participating in the process. Additionally, representatives from cities and counties are needed to coordinate state and federal requirements with local ordinances.

The Programmatic Subcommittee will begin work on the seventh and eighth of the nine high priority activities, which include bridge scour and stream bank stabilization starting in September 2003 and finish in January 2004. They will begin work on the ninth high priority activity, which includes bridge removal in January 2003 and finish in June 2004.

#### **Next Steps**

- Secure staffing commitments from local agencies, the Corps, USFWS and NOAA Fisheries to participate in the programmatic process starting now with the



work on the drainage maintenance activities and continuing on with completion of the remaining 9 high priority activities.

- Develop a detailed scope of work for the “drainage maintenance” group of activities. This will be accomplished at the next Programmatic Subcommittee Meeting.
- Develop a prioritized list of remaining departmental activities eligible for programmatic, multi-agency consideration by September 30, 2004.
- Develop a schedule of activities and resources to achieve completion of the prioritized list of programmatic agreements by December 31, 2005.

#### TPEAC Budget and Staffing Needs

To accomplish all of these goals, funded positions are needed for city and county representatives, the Corps, USFWS and NOAA Fisheries each of the above mentioned resource agencies. This equates to 5.0 Biennial FTE.

Additionally, it will be necessary to use technical consultants to develop engineering analyses in support of this effort. Approximately \$100,000 will be needed for this purpose.

Programmatic Approvals TPEAC budget total: \$850,000

Representative Rockefeller asked if the entities that were not state agencies were in a position to ensure staff will participate, and are they able to participate and bring to table the authority to move process forward.

Jackie White and Scott Merriman are working with Peter Downey to get contracts set up so the counties and cities can better participate in permit streamlining efforts.

Lynn Childers, USFWS, explained that his agency would like to participate but it's a matter of staffing and funding. Currently, USFWS has between 2 ½ to 3 FTE's beside liaisons working on transportation issues.

Peter Downey explained that he is currently looking at taking liaison program, project and TPEAC, and putting them under one management. The final budget for TPEAC will be presented next month.

Mary Verner, CRITFC, suggested that TPEAC engage the tribes, and address the tribal permitting process at this stage so it does not become a problem.

Senator Swecker suggested that the programmatic work plan be amended to include the tribes in the process.

**MOTION:** Second paragraph of programmatic agreement to include tribal involvement. **Passed**

#### **ONE STOP/PILOT PROJECTS/MULTI AGENCY PERMIT TEAM WORK PLAN, DELIVERABLES AND RESOURCE NEEDS**

Shari Schaftlein, WSDOT presented an update on what tools the Subcommittee has been developing and recommendations to support coordinated environmental review and permitting. Current Works in progress include:

The Hood Canal Bridge and SR-24 Yakima River Bridge Pilot projects will be reviewed to determine lessons learned. Interdisciplinary Team (IDT) participants are being interviewed and guidance developed, which will provide details on why, when, and how to convene and conduct an interagency Interdisciplinary Team. This will be a tool for streamlining transportation project delivery.

The unified permit binder (UPB) is a document management that integrates project information, environmental analysis, and permit development into a single reference for the public to find up-to-date project details and regulatory information.

Analysis is being completed on opportunities for concurrent public comment, joint public hearings, joint appeals, and joint agency review of environmental permits. This analysis will determine where legislative changes are necessary opposed to administrative solutions.

Analysis is also being completed on common data requirements for permit applications.

This current subcommittee work will be completed by the end of September 2003. Staff resources needed to complete this work includes subcommittee members from Ecology, WDFW, CTED, and DNR. (0.5 Total Biennial FTE.)

TPEAC funding will support only part of the team's staffing costs. 3.0 Biennial FTE and \$500,000 are needed from the TPEAC budget.

### **Working Lunch – Nickel List Projects**

The Transportation Budget (ESB 1163) requires TPEAC to select ten pilot projects where WSDOT will draft permit terms and conditions for permitting agency review and approval. The one-stop permitting work plan must address delivery of these pilot projects.

The legislature has stipulated that the project selection reflect the following criteria:<sup>1</sup>

- The projects must be contained in the funded list
- The projects must not yet have received their requisite state permits
- The projects must be representative of both urban and rural areas
- The projects must represent a wide variety of locations across the state.

During the July TPEAC Meeting, it was suggested that WSDOT select a dozen projects. WSDOT has reviewed the funded project list referred to in the legislation. After consultation with regional offices, fifteen projects have been identified as a candidate pool of projects that seem to match the legislature's selection criteria.

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<sup>1</sup> ESB 1163, Sec. 305 (11)/

Senator Swecker asked whether or not AASHTO has been given the data concerning these listed projects.

Greg Selstead, WSDOT, replied that WSDOT is working with them (AASHTO) and there are good opportunities for information exchange. Selstead also emphasized, specifically, that there are 16 projects listed; 15 of those are from the “Nickel List”. WSDOT has brought forward 10 projects that we would like to recommend for adoption from legislation.

The ten projects are:

- US 101 – Northbound Truck Climbing Lane
- I-5 Pierce County Line to Tukwila Phase 4 HOV
- I-405 Master Plan: Phase I (Nickel Projects)
- I-5 from Rush Road to 13<sup>th</sup> Street
- SR 106/Skobob Creek – Fish Passage
- SR 539 I-5 Access/Improvements: Ten Mile Rd to International Border
- SR 270 Pullman to Idaho St Line – Additional Lanes
- SR 22 / I-82 to McDonald Road
- SR 24 / I-82 to Keys Rd – Additional Lanes
- WSF Project – Edmonds Multimodal Terminal

This list includes a proposed Ferry Project (WSF Project) and will include a, as yet undetermined, Rail Project.

Senator Prentice commented on the variables that may impact the decision of identifying a specific Rail Project. Her thoughts centered on large corporations, such as Boeing and their 777 project; depending on where Boeing is located, and other large industries, complications will arise regarding the rails and their location. A point that Senator Prentice feels is worth consideration.

Willy O’Neil commented on the need for a multi-agency approach regarding the proposed projects. O’Neil reiterated that a multi-faceted approach is a good approach. Additionally, he emphasized that early local level participation (scoping) would be beneficial.

Annie Szvetcz expressed a follow-up point regarding the idea that projects need to move beyond the pilot phase. An additional concern noted by Szvetcz is that this workplan does not necessarily reflect the work undertaken by the subcommittee during the past 5 months. Based on the assumption that little discussion regarding the recommendation for the September 30<sup>th</sup> sunset, Szvetcz would like to further define the future role of the subcommittee. Specifically, what else besides permit drafting will be piloted – based on our committee and TPEAC?

Senator Erickson mentioned that he would like to see an increase in the amount of assistance WSDOT provides to local level projects. The idea being, WSDOT possesses the expertise and experience dealing with permit issues, which would benefit projects on the local level. Additionally, he would like to apply the overall aspects of TPEAC to local processes.

Joan McBride stated that turning over more of the control, work, and permitting to WSDOT is not something she has in mind, and expressed an interest in maintaining local control.

Senator Erickson clarified the issue stating that involvement from the WSDOT would not result in redrafting any existing practices. In his opinion, it is a matter of utilizing the expertise and knowledge of the WSDOT to speed up the process on the local level.

Secretary MacDonald agreed stating that is why he has stressed the idea that the level of involvement and collaboration with the WSDOT needs to begin at an early stage of development. Ideally, this will become a work process improvement that will reduce some of the paperwork.

### **Multi-Agency Permitting Teams (MAPT): Concept Paper**

Presented by Peter Downey, Environmental Streamlining Mgr, WSDOT

WSDOT, WSDOE, and WDFW have been working for the past few weeks to develop a project-delivery organizing framework as a model with which to apply the processes and tools developed in TPEAC across the entire spectrum of projects the state is now charged with delivering. The MAPT will consist of representatives from regulatory agencies and WSDOT who are responsible for meeting project timelines and permitting requirements for a given set of projects over the course of a year. This team is designed as a set of technical experts that will expedite permitting for transportation projects; therefore, they will set schedules for permit delivery to ensure that project advertisement dates are met. The target date for the first MAPT to be up and running is September 1, 2003.

This team will consist of: a WSDOT Team Manager; a WSDOT Permit Coordinator; a WDFW hydraulics engineer; a WDFW a permit biologist; a WSDOE permit specialist in Coastal Zone Management requirements, state Shorelines Management requirements, federal and state wastewater discharge requirements, and federal and state 401 water quality certification requirements, a WSDOE permit specialist in federal and state stormwater management requirements, and a WSDOE permit specialist in federal and state wetlands protection and management requirements.

Additionally, effort will be made to bring representatives from the Army Corps of Engineers, NOAA Fisheries, and USFWS to the team. Team members still formally report to their respective agencies, but are expected to ensure that each transportation project meets environmental regulations.

WDFW positions on the MAP Team will have the necessary expertise and be empowered to make permit decisions. These positions will coordinate with the regional biologists and engineers. WSDOE team members will likewise have the necessary expertise and be empowered to make permit decision.

Funding for the first MAP Team will be provided in part with TPEAC funds and in part with transportation project dollars. Staff and overhead needs will be better established in the next few

week and an accurate budget and funding mechanism will be established. Target Date to resolve resource needs and levels is July 15, 2003.

The MAP Team is not a TPEAC subcommittee but is the application of TPEAC processes. As such, TPEAC funds will be used to help establish the first MAP Team. Subsequent teams will be supported by WSDOT project funds. It was noted that the MAP Team would not be limited to the TPEAC pilots.

Secretary MacDonald noted that TPEAC's proposal was to get some work teams together; therefore, he would like to report to TPEAC regarding the MAP Team. He also stated that some of the directives of TPEAC are being initiated on their own accord, and that having a committee (MAPT) that will report back to the TPEAC on how the practices of TPEAC are functioning is a good idea.

Senator Swecker commented that he was not sure if TPEAC needs to be responsible for this workplan.

**Motion:** Senator Swecker would like to strike the line that the Pilot Project Subcommittee be completed by September 30, 2003, and instead the committee report back to TPEAC in September. **Passed**

### **Watershed Based Mitigation Subcommittee Work Plan, Deliverable and Resource Needs**

Dick Gersib, Watershed Program Manager, presented this subcommittee work plan.

Conventional site-specific approaches to natural resource mitigation have failed to stop resource degradation. While federal, state, and local laws that regulate transportation projects seek to protect and maintain existing resource function, engineered fixes such as detention ponds, underground stormwater vaults, and created wetlands often fail to replace resources and functions lost.

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### **MEETING AJOURNED**



# **TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE**

**(TPEAC) MEETING, MAY 14, 2003**

**COMFORT INN SUITES, TUMWATER, WA.**

## **COMMITTEE MEMBERS PRESENT**

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Representative Doug Ericksen, House Republican Caucus  
Representative Phil Rockefeller, House Republican Caucus  
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Gordon White, Washington State Department of Ecology  
Greg Hueckel, Washington State Department of Fish and Wildlife  
Scott Merriman (for Glenn Huntingford), Washington State Association of Counties  
Jackie White (for Joan McBride), Association of Washington Cities

### **Non-Voting**

Dan Dixon, Consulting Engineers Council of Washington  
Christine Golightly, Columbia Inter-Tribal Fish Commission  
Willy O'Neil, Association General Contractors of Washington  
Sharon Love (for Dan Mathis), Federal Highway Administration  
Mary Verner, Upper Columbia United Tribes  
Tom Mueller, US Army Corps of Engineers  
Annie Szvetcz, Washington Department of Natural Resources  
Tim Hamlin (for Tom Eaton), Environmental Protection Agency  
Grant Nelson, Association of Washington Business

### **Invited**

Tom Fitzsimmons, Washington State Department of Ecology  
Douglas B. MacDonald, Secretary, Washington State Department of Transportation

## **COMMITTEE MEMBERS NOT PRESENT**

### **Voting**

Senator Margarita Prentice, Senate Democratic Caucus

### **Non-Voting**

Ann Aagaard, Statewide Environmental Groups  
Richard King, Washington State Building and Construction Trades Council  
Russ Cahill, Washington State Fish and Wildlife Commission  
Northwest Indian Fisheries Commission  
Lynn Childers, U.S. Fish and Wildlife Service  
Bob Turner, NOAA Fisheries

## **TPEAC ADMINISTRATIVE STAFF**

Linda Healy, Washington State Department of Transportation  
Kelly Stowe, Washington State Department of Transportation  
Peter Downey, Washington State Department of Transportation

## WELCOME AND INTRODUCTIONS

The agenda was adjusted to have Project Mitigation go first.

## WSDOT PROJECT MITIGATION COSTS: CASE STUDIES

Don Nelson (WSDOT), and Ken Smith (WSDOT) shared 14 case studies of projects that have been recently constructed or are planned for construction in the near future. These case studies presented data on mitigation costs for these 14 projects. The mitigation features for these projects fall into four major categories:

- Stormwater Facilities
- Wetland Restoration
- Noise Walls
- Stream Protection

Ken Smith gave an overview, and provided the following interesting facts about the projects:

- **I-5 Tumwater, Maytown** widening project. Regulations changed from when this project was first designed and shelved in 1996-97. Because of the regulation changes, there was a need for the project to be re-designed.
- **US 12 Walla Walla** - WSDOT and resource agencies worked together to come up with mitigating impact. The cost for mitigation was 3 million dollars, but that cost covers the entire corridor. In actuality, instead of 28% of the project costs going towards mitigation, only 7% did.
- **Marvin Rd to Pacific Avenue** - 14% of project was mitigation for Stormwater. A million dollars worth of commercial property was purchased to put in Stormwater ponds.
- **Interchange in Spokane** - Forethought put into this interchange for future widening. When we make these wetlands, make them bigger than necessary to accommodate for a future project.
- **Vancouver Interchange, SR 14 SE 192<sup>nd</sup> Ave Interchange**: Lowest mitigation cost- 2% of project. When interchange was relocated, took old road bed and used it for Stormwater treatment.
- **SR 202/Redmond**: Creek runs alongside entire roadway. Not a lot of places to put stormwater ponds so stormwater vaults were put in.

## PERMITTING PROCESS ON PILOTS

### *Hood Canal Bridge*

Jeff Sawyer, WSDOT, gave a report on the Hood Canal Bridge pilot project including a summary of actions to date, current status of environmental documentation and funding, and plans for the future project delivery.

The eastern half of the Hood Canal Bridge is nearing the end of its structural service life and will not be reliable after 2007. When finished the Hood Canal Bridge will have a new wider east half floating section, new approach sections and transition trusses on the east and west ends. In addition, the west half will be widened to allow for continuous 8-foot shoulders across the entire length of the bridge--matching the new east half.

The challenge faced by this TPEAC pilot project was to provide coordinated permit review in an extremely constrained time frame. An Interdisciplinary Team was created that consisted of staff from WSDOT, Department of Ecology, Department of Fish and Wildlife, Washington

Department of Natural Resources; Kitsap County, Jefferson County, NOAA Fisheries, the Army Corps of Engineers, United States Fish and Wildlife Service, United States Coast Guard, and the Federal Highway Administration. This team provided a forum for intense project environmental review. In order to expedite project delivery, some agencies have been able to issue draft permit conditions to include in the contract bid specifications so that the project advertisement date could be met.

The final Biological Opinions from the USFWS and NOAA Fisheries have been received this month (May 2003). Permits for the graving dock are due this month from the Army Corps of Engineers (Clean Water Act Section 404 and Rivers and Harbors Act Section 10) and the Department of Ecology (Coastal Zone Management Act and Clean Water Act Section 401) and for the bridge from the US Coast Guard (Section 9 Bridge Permit) WSDOT will be evaluating final permit conditions for language affecting contract bid proposals as soon as they are received. Construction is scheduled to begin in July 2003.

Jeff Sawyer mentioned that WSDOT is working with DOE as we speak, and the 401 permit should be finalized early to mid next week.

Senator Swecker commented that these permits should be finalized within the next few weeks, if not there would be a need to elevate the issue. Secretary Doug MacDonald, WSDOT, noted that John Conrad, WSDOT, had already been assigned this task.

### ***SR 24/I 82 to Keys Road Pilot Project***

Jason Smith, WSDOT and Kerry Grant, WSDOT gave a report on the SR-24 pilot project including a summary of actions to date, current status of environmental documentation and funding, and plans for the future project delivery.

The primary purposes of the SR 24 project are to: 1). Relieve congestion, 2). Reduce the number of accidents, and 3). Replace the scour critical bridge footings for the bridge over the Yakima River. To accomplish this, the project will widen a 1.56 mile section of SR 24 from 2 lanes to 4 lanes, improve intersection geometrics, and replace the Yakima River Bridge. Environmental issues of this project include salmon habitat protection and enhancement, wetlands, and flood plain enhancement.

The challenge addressed by the SR 24 Interdisciplinary Team for is to create best government practices for the purpose of balancing ecological, social and economic values. The project is strategically placed on the landscape to allow a balance of flood risk, economic investment in public infrastructure and ecological restoration. If done cooperatively, the collective government actions would have the potential to enhance thousands of acres of riparian habitat, salmon rearing habitat and wetlands that were removed from the river system in the first half of the 20<sup>th</sup> century. Governmental entities with an interest in the project include: the Cities of Yakima and Union Gap, Yakima County, WSDOT, Washington State Department of Ecology, Washington Department of Fish and Wildlife, the Federal Highway Administration, National Marine Fisheries (NOAA), US Department of Fish and Wildlife, the Army Corps of Engineers, the Bureau of Reclamation, Bonneville Power Administration, Columbia River Inter-Tribal Fish Commission, and the Yakama Nation.

The project Environmental Assessment (EA) under NEPA is scheduled to be completed in August 2003 with a decision document in November 2003. The Floodplain Consistency report was finalized this month (5/15/03). For the bridge design to move forward, Yakima County must establish new levee locations based on the local floodplain vision. Once this is accomplished, the bridge length can be determined.

***ESHB 1163: Proposed “WSDOT Permit Drafting Pilot Projects”***

The Transportation Budget (ESB 1163) requires TPEAC to select ten pilot projects where WSDOT will draft permit terms and conditions for permitting agency review and approval. The one-stop permitting work plan must address delivery of these pilot projects

The legislature has stipulated that the project selection reflect the following criteria:<sup>1</sup>

- The projects must be contained in the funded list
- The projects must not yet have received their requisite state permits
- The projects must be representative of both urban and rural areas
- The projects must represent a wide variety of locations across the state.

WSDOT has reviewed the funded project list referred to in the legislation. After consultation with regional offices, fifteen projects have been identified as a candidate pool of project that seems well to match the legislature’s selection criteria.

WSDOT proposes that TPEAC’s goal at the July 2003 meeting be to select projects for the pilot program. WSDOT suggests that around a dozen projects be selected at this time so that, as the pilot program goes forward, a full slate of ten projects can be expected to move through the entire pilot process, even if one or two of the early selected projects prove in the course of events not to be suited to the pilot.

WSDOT will coordinate the views and comments of others, including any comments that may be offered at the May meeting, into an attempted consensus recommendation for the July meeting. The person at WSDOT responsible for this work will be Peter Downey, Environmental Streamlining Manager.

**PROGRAMMATIC APPROACHES**

Gregor Myhr, WSDOT presented an overview of programmatic.

In November 2002, the Programmatic Implementing Group began work on a multi-agency agreement to provide programmatic coverage for bridge washing and painting. After discussion, the proposed scope of the agreement expanded to include the second of the nine high priority activities (bridge deck repair) plus additional maintenance and preservation activities identified below.

- Bridge deck and drain cleaning
- Bridge cleaning and washing
- Bridge painting, cleaning, washing, abrasive blasting, and painting
- Bridge maintenance work
- Bridge and Ferry deck repair and overlay
- Ferry terminal cleaning, washing, and marine growth removal
- Ferry terminal washing, blasting, and painting
- Ferry terminal general maintenance and repair

The chief work product of the subcommittee will be “*Unified Conditions*,” a document of about 20 pages to be agreed upon with WSDOT by the Department of Ecology and the Department of Fish and Wildlife that will specify how work of this kind will be performed.

The *unified conditions* are complete except for one point, the completion of a study determining the best means of treating discharge water from bridge and ferry terminal washing and painting projects. Ecology has required WSDOT to undergo a feasibility study that objectively evaluates options for treating discharge water from bridge and ferry terminal washing and painting projects.

In April 2002, TPEAC approved the programmatic subcommittee report, which identified 9 high priority WSDOT activities to be considered for multi-agency programmatic coverage.

Two of those nine high priority activity types are already covered in the proposed programmatic agreement on Over Water Bridge and Ferry Terminal Maintenance and Preservation Activities. That agreement has been largely agreed upon between WSDOT, Ecology and the Department of Fish and Wildlife. Final programmatic approval for these activities is expected to occur in July 2003.

Four additional activities from the high priority list are now poised for discussion and negotiation for a proposed programmatic agreement to be titled “Drainage Maintenance and Repair Work.” These activities include:

- Ditch and channel maintenance
- Fish Passage maintenance
- Culvert maintenance
- Culvert replacement

The objective of the Programmatic Subcommittee is to reach agreement on common multi-agency conditions and obtain programmatic approval by September 30, 2004.

This briefing paper outlines the steps required to achieve that objective.

This agreement will take the Programmatic Subcommittee into new territory. The nearly completed programmatic agreement for over water bridge and ferry terminal work is a multi-agency agreement that covers only two regulatory agencies, and both are state agencies (Department of Ecology and Department of Fish and Wildlife).

By contrast, the next proposed agreement will aspire to be a multi-agency agreement that covers not only the two state agencies, but also other jurisdictional agencies including the Corps, Fish and Wildlife Service, NOAA Fisheries, and Local Agencies.

What are the relevant local, state, and federal agency environmental jurisdictions and responsibilities?

- Department of Fish and Wildlife has jurisdiction over activities that occur in waters of the State (WAC 220-110).
- Ecology regulates section 401 of the Clean Water Act and state surface water quality standards (RCW 90.48).
- The Corps regulates section 404 of the Clean Water Act, which permits the placement fill in waters of the US.
- US Fish and Wildlife regulates section 7 and 9 of the Endangered Species Act, which protects listed species including bull trout. Section 7 requires federally funded activities to consult with the agency in cases where the activity could have an effect on listed species.
- NOAA Fisheries regulates section 7 and 9 of the Endangered Species Act, which protects listed fish species.
- Local Agencies regulate the Shoreline Management Act and Critical Areas Ordinances

Gregor gave an overview of the current regulatory procedures and issues which include:

- Department of Fish and Wildlife currently issues individual HPA permits for these activity types. One issue regarding the current process includes difficulty in receiving HPA permits for culvert maintenance at locations that are chronic or frequent.
- The current Water Quality Implementing Agreement with Ecology covers most of these activities. The main threshold for compliance is the ability to meet standard turbidity mixing zone for in water work. In some cases, culvert maintenance or replacement may exceed these standards and require individual approval from Ecology.
- The Corps typically issues Nationwide Permit #3 for maintenance and repair activities of this nature. The Nationwide permit is not a programmatic permit approval, as it requires the applicant to apply for and receive individual permit approval. Recently, the Corps has negotiated programmatic agreement under the Endangered Species Act to allow culvert replacement in cases where they pose barriers to fish migration, so there is currently some standard in place for certain cases of culvert replacement.
- USFWS requires review and approval of these activities where there is a potential to effect listed species. Current programmatic approvals under development that include coverage for these activities include a Programmatic Biological Assessment for Western Washington and one for Eastern Washington. These programmatic documents have been under development for over 2 years with no anticipated date for completion. The WSDOT 4(d) Maintenance manual also provides programmatic coverage under Section 9 of the Endangered Species Act, however, WSDOT is currently strategizing the method of approval for USFWS.
- NOAA Fisheries requires review and approval of these activities where there is a potential to effect listed aquatic species. Current programmatic approval in place that covers these activities includes the WSDOT statewide aquatic Programmatic BA. The 4(d) Maintenance Manual is currently in the process of review and approval.

- Local Agencies typically requires review and approval for these activities in cases where they occur in shoreline jurisdiction under the Shoreline Management Act and within sensitive areas under the jurisdiction of Critical Area Ordinances. There are no programmatic processes in place with these agencies. The primary issue with the current process is the added time and cost associated with applying for and negotiating exemption or individual permits with local agencies.

The goal for the new programmatic agreement would be the development of Unified Conditions for the four drainage maintenance and repair type activities that are agreed upon by all permit agencies with jurisdiction. The Unified Conditions would lead to programmatic permit approval with each agency.

- Department of Fish and Wildlife could issue statewide 5 year General HPA for these activities. The threshold for allowing culvert replacement under a general HPA would likely be very restrictive.
- Ecology and WSDOT could continue programmatic coverage for these projects under the Water Quality Implementing Agreement.
- The Corps could issue a Regional General Permit that would cover these projects. This would provide a more streamlined process than the current nationwide permit process.
- The development of Unified Conditions for these activities should consider the conditions being negotiating in the programmatic efforts under way with Fish and Wildlife Service, which include the eastern and Western Washington Programmatic BA and the WSDOT 4(d) Maintenance Manual. Effort should be made to finalize these programmatic documents.
- The development of Unified Conditions for these activities should consider conditions in the current approved aquatic Programmatic BA with NOAA Fisheries.
- It would be beneficial to have a process for Local Agencies to buy-in to the Unified Conditions for these activities.

Gregor explained that the greatest uncertainty in the proposed work to achieve this permit is the willingness of federal and local agencies to commit to the process and devote staff and technical resources to the effort.

The remaining three activities are expected to be covered by two programmatic agreements. One agreement will cover bridge scour repair and streambank stabilization and the other will cover bridge removal.

Development of these remaining agreements will be the most challenging of the nine high priority activities. Similar to the Drainage Maintenance programmatic agreement, these activities also require permit approval by local, state, and federal level agencies. Additionally, these activities have more complex issues surrounding them that will make it challenging to develop multi-agency standard conditions that would lead to programmatic permit approval. Some of these issues include:

- Programmatic permits are mostly suitable for routine activities: The three remaining activities are less routine in terms of design and construction than the previous activities. For example, bridge scour and bank stabilization projects are designed around factors that are very site specific (e.g. stream size, velocity, and type of erosion). Bridge removal is also designed around site specific factors including size and type of bridge as well as cost

considerations. The challenging issue will be developing standard conditions that address complex variables associated with these activities.

- Differing agency perspectives regarding design and impact: Programmatic permits are mostly suitable for low impacting activities where impacts can be mitigated through standard conditions that minimize and avoid all impacts. The five or six different agencies that issue permits for these activities have largely differing opinions regarding the impacts and need for mitigation for these activities. For example, some permit agencies do not allow or recommend standard engineering methods for designing bridge scour or bank stabilization projects. One example is the case of WSDOT's Anthracite Creek scour project, where King County has indicated they do not allow the use of angular rock riprap in project design. This is one of several projects that exemplify the current way of doing business, which results in shuttle negotiating different standards requested by permit agencies into project design which, increases project time and cost.

In light of these challenging issues, a significant benefit from this process could be gained where all jurisdictional agencies buy into programmatic agreement on methods of design, construction, impact assessment, and mitigation. In the case of bridge scour and bank stabilization, groundwork has already been laid with respect to the latest Streambank Protection Guidelines. These guidelines are agreed upon between WSDOT, Department of Fish and Wildlife, Ecology, and the Corps and establish a common method for repair selection and project design. Taken a step further, we might also be able to get programmatic permit approval with low thresholds that cover a small percentage of these activities (e.g. Scour repair where only "x" amount of rock used for the repair or bridge removal happens where no material enters the water body).

As with the Drainage Maintenance programmatic effort, one important consideration toward the success of programmatic approval for the three activities is the ability to get buy-in from local and federal agencies on the programmatic agreement for these activities. Both levels of agencies currently play a significant role with respect to streamlining permits for these activities.

The programmatic subcommittee will report to TPEAC in July with updated information on the status of this approach. The programmatic implementing group is scheduled to begin working on these activities in September 2003.

TPEAC's goals with the programmatic approach include developing consistency in the application of environmental standards, maximizing environmental benefits, and eliminating duplicative processes in the delivery of transportation projects.

Gregor gave an overview of the prior permitting and regulatory procedures for this type of work:

- Department of Fish and Wildlife manages the protection of fish life, and as a result maintains jurisdiction over bridge and ferry terminal maintenance work statewide in cases where the work has the potential to impact fish life. The issuance of Hydraulic Project Approval Permits is inconsistent throughout the state for some of less impacting activities.
- Ecology exercises jurisdiction over state surface water quality standards and section 401 of the Clean Water Act. The current Water Quality Implementing Agreement (WQIA)



provides programmatic coverage in the sense that it sets forth conditions to ensure these activities meet water quality standards.

What will be the new procedures under this Programmatic Agreement?

The unified conditions will be referenced in the issuance of programmatic permit approval with each jurisdictional agency for these activities including Department of Fish and Wildlife and Ecology.

- Department of Fish and Wildlife will reference the unified conditions as an appendix to the current Memorandum of Agreement with WSDOT. This eliminates the added process of issuing individual Hydraulic Project Approval (HPA) permits or a general HPA permit for these activities.
- Ecology will reference the unified conditions in the renewal of the WQIA and for the “washing” activities where there is an associated discharge Ecology will likely issue a 90.48 order to allow the temporary exceedence of water quality standards.
- The monitoring and reporting elements of this process will add new procedures when WSDOT conducts these activities. These new procedures will create a minor amount of information processing at the field level. The annual reporting information will be managed in a headquarters database and provided to permit agencies. The result will be a more accurate ability to measure performance of the process in terms of activities covered and compliance.

The benefits to this new approach will be:

- The unified conditions are agreed upon by Department of Fish and Wildlife and Ecology creating consistency in standards between agencies.
- Greater ease of getting on with the work. We will have statewide consistency on how to meet the permit agency requirements. There will be greater certainty regarding questions of jurisdiction and what the standards are.
- Environmental benefits will be gained through consistent application of conditions set forth to protect the environment.
- Programmatic permit approval will eliminate duplicative processes where in previous cases individual application was needed with individual agencies.

The new agreement will offer stringent and appropriate environmental protections that suggest a better outcome for the environment under the programmatic approach, and some areas of the new agreement will also provide a better outcome for the environment. These beneficial outcomes include:

- Monitoring and annual reporting elements that are designed to better ensure compliance and also measure the utility and performance of the programmatic permit.
- WSDOT has training programs in place to ensure the consistent application of these standards when conducting these activities in the field that will ensure long-term benefits to the environment.
- The completed study will result in the selection of a method of containment of wash water discharge that will provide the best environmental protection.

One important issue remains to be resolved in order to complete the agreement: *“How should water used in bridge and ferry terminal washing projects be disposed of or managed?”* The

study, required by Ecology will address this question and is currently being reviewed by Ecology and its conclusions should result in the preferred alternative method for treating discharge water from washing and painting activities.

The suggestion from the study is to allow the continued use of the filter screen fabric for treating the discharge water. Other alternatives include full containment with recycling of the wash water, full containment with disposal into public sanitary systems, and full containment with polymer treatment and upland disposal.

Currently, Ecology is reviewing the first stage of the study and will be providing comments on the study by May 20<sup>th</sup>. If all goes well, and Ecology agrees with the analysis and conclusion we hope to complete the process in June 2003. Programmatic Approval is anticipated to be completed with both Department of Fish and Wildlife and Ecology by July 2003.

### **TASK FORCE ON LOCAL GOVERNMENT PERMITTING ISSUES**

Patty Lynch, WSDOT, discussed with the group city and county permit process and issues.

During the 2003 legislative session, there was extensive discussion of whether a legislative remedy should be crafted or directed to deal with possible obstacles at the city or county level to the effective and expeditious consideration of permits required for state transportation projects.

WSDOT believes local permitting processes can sometimes be difficult to navigate. Acquiring local permits and approvals may involve duplication of effort for submitting applications and they may also involve regulatory overlap in issues covered, in part, by federal and state regulations. WSDOT is typically involved in the local permitting process through (1) Growth Management Act (Critical or Sensitive Area Ordinances which are implemented differently in each jurisdiction, some have approvals associated directly with the ordinance, while others may implement through Clearing and Grading Permits), (2) Floodplain Development Permit (sometimes integrated into Critical Areas Ordinances) and (3) the Shoreline Management Act (locally developed Shoreline Master Programs authorize issuance of a substantial development permit, variance or conditional use permit).

The reauthorization legislation requires TPEAC to appoint a task force identify permits for which uniform standards can be developed for local governments. The task force is to identify strategies for local governments to adapt these standards and best practices for those permits. A progress report is required by December 31, 2003, with final recommendations due by December 31, 2004.

Patty Lynch will lead the task force effort, and obtained agreement to the development of the team with the following participants:

- A WSDOT headquarters representative and a regional office employee, both familiar with day-to-day practice of local environmental permitting.
- A representative of the Department of Ecology generally familiar with local permitting and regulatory issues under the environmental, sensitive area and land use laws.

- A representative of the Washington Association of Counties who may be joined on the task force, at the Association's election, by a county official or employee generally familiar with the day to day permitting of state transportation projects.
- A representative of the Association of Washington Cities similarly accompanied, at the Association's election, by a city official.

The WSDOT headquarters representative and the representative of the Washington Association of Counties should initially co-chair the task force to prepare the threshold diagnosis. All represented entities should use their best efforts to commit staff resources such that the initial diagnostic report can be presented to the July meeting of the Committee.

### **BUDGETING THE LEGISLATURE'S 2003 – 2005 APPROPRIATION FOR THE WORK OF TPEAC**

Linda Healy will create interim contracts at current staffing levels that will allow TPEAC work to continue while new contracts are established.

Peter Downey will work with Jackie White and Scott Merriman to develop interim contracts with City and County Associations that enable work to begin on the Local Permit Task Force. Funding for these two interim contracts will be based on the \$300,000 line item identified for local participation in the transportation budget (EHB 1163).

Work plans for product delivery that are developed by the committees will be used to develop staffing needs and to determine corresponding budget levels.

Peter Downey will create new contract terms and conditions based on work plans developed by the subcommittees. These contracts will be written to ensure delivery of work products.

### **REVIEW OF DELIVERABLES AND NEXT STEPS - MAY 14, 2003 TPEAC MEETING**

#### **Mitigation Costs Case Studies:**

Sen. Swecker suggested that more attention is needed on SR-202 and potential alternatives for mitigation should be explored. He suggested that a field trip to the site may be beneficial for TPEAC members. TPEAC staff were directed to explore the July meeting as a potential for the site visit.

#### **SR 24/ I-82 to Keys Road Pilot Project:**

Rep. Erickson asked if a cost and time accounting could be made on the SR-24 permitting process to document any potential savings that may be attributed to the TPEAC process.

#### **Hood Canal Bridge Pilot Project:**

Sen. Swecker asked that the permitting decisions be elevated to a management level if permits are not received within the next two weeks. Secretary MacDonald indicated that Assistant Secretary John Conrad was already tasked with ensuring that these permits are received in a timely manner.

#### **Proposed Pilot Projects:**

Rep. Erickson asked that the “Nickel Fund” project list be reviewed to see if there are any ferry or rail projects that would be potentially be good pilot projects. Peter Downey will coordinate comments on the list of projects.

Greg Hueckel asked if funding staff work on permitting of these projects would come through TPEAC budgets or from project liaison budgets. This question was not fully resolved; however, the level of resource agency staff effort is expected to be substantially less than was expended on Hood Canal Bridge or SR-24.

**Local Permitting Task Force:**

The Local Permitting Task Force was created with membership from WSDOT, Ecology, WDFW, Counties, and Cities. Members from these organizations must have profound knowledge of local permitting issues and concerns. This group was directed to define the issues and determine steps to resolve these issues by the June TPEAC meeting. Patty Lynch will coordinate these efforts.

**Next Steps:**

The next TPEAC meeting is scheduled for June 25, 2003. Agenda items will include review and approval of work plans for the Watershed subcommittee, the One-Stop subcommittee and the Local Permitting Task Force. The pilot Projects list will also be reviewed and approved.

**MEETING ADJOURNMENT**

Senator Swecker ended the meeting with his message to all that this is a new beginning for a lot of reasons; we learned a lot the first part of the process, and now we have a new transportation budget that will help get things off the ground.

We are going to stick to the timelines given us by the legislature. This time around, we are looking for involvement from management with the agencies. If the process is going to move ahead, it's time for management to get involved.

The Senator asked that TPEAC look at what they've accomplished and how we can move ahead. TPEAC is the cutting edge in transportation, in the state, and in the nation.

Senator Swecker thanked everyone involved in TPEAC for their “Herculean” work they have all done.

Representative Rockefeller agreed and said our job now is to deliver the results.

**TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE**  
**(TPEAC) MEETING, MARCH 12, 2003**  
**COMFORT INN SUITES, TUMWATER, WA.**

**COMMITTEE MEMBERS PRESENT**

**VOTING**

Senator Dan Swecker, Senate Republican Caucus  
Secretary Doug MacDonald (for Jerry Alb) Washington State Department of Transportation  
Gordon White, Washington State Department of Ecology  
Greg Hueckel, Washington State Department of Fish and Wildlife  
Joan McBride, Association of Washington Cities

**Non-Voting**

Dan Dixon, (Consulting Engineers Council of Washington  
Christine Golightly, Columbia Inter-Tribal Fish Commission  
Willy O'Neil, Association General Contractors of Washington

**Invited**

Dan Mathis, Federal Highway Administration  
Bill Wiles, Upper Columbia United Tribes  
Lynn Childers, U.S. Fish and Wildlife Service  
Bob Turner, NOAA Fisheries  
Tom Mueller, ACOE

**COMMITTEE MEMBERS NOT PRESENT**

Senator Margarita Prentice, Senate Democratic Caucus  
Representative Doug Ericksen, House Republican Caucus  
Representative Phil Rockefeller, House Republican Caucus  
Ann Aagaard, Statewide Environmental Groups  
Dick King, Washington State Building and Construction Trades Council

**TPEAC ADMINISTRATIVE STAFF**

Linda Healy, Washington State Department of Transportation  
Kelly Stowe, Washington State Department of Transportation  
Peter Downey, Washington State Department of Transportation

**GUESTS**

Carol Jolly, Governor's Executive Policy Office  
Sharon Love, Federal Highway Administration  
Shari Schaftlein, Washington State Department of Transportation  
Patrick Svoboda, Washington State Department of Transportation  
Todd Carlson, Washington State Department of Transportation  
Peter Birch, Washington Department of Fish and Wildlife

Scott Boettcher, Washington Department of Ecology  
Grant Nelson, Association of Washington Business  
Jim Seitz, Association of Washington Cities  
Wendy Compton-Ring, Community, Trade and Economic Development

### **INTRODUCTIONS AND AGREEMENT ON LAST TPEAC MEETING HIGHLIGHTS**

Senator Swecker welcomed and thanked everyone for attending the meeting. He reminded everyone that this meeting was the last meeting under current legislation. If TPEAC is reauthorized, there will not be another meeting until May.

The February 2003 meeting highlights were adopted by TPEAC without revision.

### **TPEAC REAUTHORIZATION LEGISLATION**

Peter Downey gave a quick recap of the TPEAC reauthorization. It seems to be moving. If the bill does not come out of committee by cutoff, this will be the last meeting.

Senator Swecker shared with the group that everyone involved w/ negotiations of TPEAC reauthorization want the bill to go through. There are some challenges coming up, but the Senator thought that the reauthorization will be looked at within the next couple of weeks—most likely, before the end of the month.

### **01- 03 BUDGET**

Peter Downey, WSDOT, spoke a little about where we are with the budget. The subcommittee work will continue thru June regardless of whether TPEAC is reauthorized. Some contracts will be modified to ensure unspent funds are accounted for. If anyone has any questions about contracts, please call Peter. Peter also asked that billings for June work get in on time to ensure payment at end of biennium.

- ***Programmatic Subcommittee***- the first programmatic will be out the door in May.
- ***Watershed*** will continue their work and they have some federal funding for next year.
- ***AASHTO Environmental Stewardship Award*** –Peter will be submitting an application for TPEAC for this award focusing on the watershed group for consideration.
- ***Northwest Indian Fisheries Commission (NWIFC)***- is going to sign a contract finally. If TPEAC is reauthorized, they will be taking part.

### **PLANNING SUBCOMMITTEE**

Peter Downey, WSDOT, did a presentation on what was learned from the TPEAC Planning Subcommittee. At the last meeting, Peter was asked to look at what we learned and where we can go.

Peter shared with the group that transportation project permitting is the wrong place and time to affect local land use planning. Better environmental planning is needed. Transportation planning, land use planning as well as environmental planning should be more closely aligned.

Air quality planning has been done for a long time and is an example of how things should work. There are state and federal measurements in place, and there are legal consequences if the mandates are not met.

The federal and state resource agency representatives all agreed a better job needs to be done to get the resource agencies at the table.

### **WORK SESSION ON WORKPLANS – PROGRAMMATIC PERMITS SUBCOMMITTEE**

Patrick Svoboda, WSDOT, presented TPEAC with an update on the Programmatic Subcommittee's progress to date in place of Gregor Myhr. He reminded committee members that the Programmatic Approach looked at nine-high priority activities. Pat went over the work plan and described the status of the subcommittee and the future products.

Pat said that Bridge Painting and Washing is now Bridge and Ferry Terminal Maintenance and Preservation Activities. This product is still on schedule as described in the work plan. The challenge that still exists for the Bridge and Ferry Terminal Maintenance and Preservation programmatic is the containment issue.

The reason for the name change to Bridge and Ferry Terminal Maintenance and Preservation Activities is that the subcommittee identified like activities and included them in this programmatic. This approach would be included in future programmatic products if it makes sense. The subcommittee would also work on multiple programmatic products at the same time so that more could be accomplished. Success depends upon involvement of dedicated representatives from federal, state, and local agencies as well as the Tribes.

### **Pilot/One Stop Committee**

Shari Schaftlein, WSDOT, shared with TPEAC an update on what the Pilot/One Stop Committee has been working on.

David Evans and Associates have been hired as a consultant to do four white papers. The white papers will be on Regulatory Overlap, Agency Concurrent Review, Opportunities for Concurrent Public Review and Common Data Requirements. The consultants are looking to find the most complicated and complex examples of permit overlap in King County that can be compared against others in the state. They will gather information to see why some permits seem to take longer than others and why some agencies will not provide permits without first seeing permits issued from different agencies.

The IDT Guidance Workgroup met on March 3<sup>rd</sup>. There has not yet been another meeting scheduled, but they will probably alternate with the subcommittee meetings.

Grant Nelson, AWB, thanked Shari for all her hard work as co-chair for this subcommittee.

### **FUTURE MEETINGS**

The next meeting will be May 14, 2003. The May meeting will be held here in Tumwater. Subcommittees will still meet in April.

At the May meeting, providing that TPEAC is reauthorized, we will look at how to move forward.

Meeting adjourned.



**TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE  
(TPEAC) MEETING, FEBRUARY 12, 2003  
COMFORT INN, TUMWATER, WA**

**COMMITTEE MEMBERS PRESENT**

**VOTING**

Senator Dan Swecker, Senate Republican Caucus  
Representative Doug Ericksen, House Republican Caucus  
Jerry Alb, Washington State Department of Transportation  
Scott Boettcher (Gordon White), Washington State Department of Ecology  
Greg Hueckel, Washington State Department of Fish and Wildlife  
Scott Merriman (for Glen Huntingford), Washington State Association of Counties  
Joan McBride, Association of Washington Cities

**NON-VOTING**

Dan Dixon, Consulting Engineers Council of Washington  
Jeff Spencer, Yakama Nation (for Christine Golightly, Columbia River Inter-Tribal Fish Commission)  
Willy O'Neil, Associated General Contractors of Washington

**INVITED**

Tom Eaton, U.S. Environmental Protection Agency  
Dan Mathis, Federal Highway Administration  
Bill Wiles, Upper Columbia United Tribes  
Annie Szvetec, Washington State Department of Natural Resources

**COMMITTEE MEMBERS NOT PRESENT**

Senator Margarita Prentice, Senate Democratic Caucus  
Representative Phil Rockefeller, House Democratic Caucus  
Ann Aagaard, Statewide Environmental Groups  
Grant Nelson, Association of Washington Business  
Bob Turner, NOAA Fisheries  
Lynn Childers, U.S. Fish and Wildlife Service  
Rick Krochalis, Federal Transit Administration, Region X  
Dick King, Washington State Building and Construction Trades Council  
Thomas F. Mueller, US Army Corps of Engineers

**TPEAC ADMINISTRATIVE STAFF**

Susan Camerer, Washington State Department of Transportation  
Linda Healy, Washington State Department of Transportation  
Peter Downey, Washington State Department of Transportation

## **GUESTS**

Jackie White, Association of Washington Cities  
Leonard Bauer, Department of Community, Trade, and Economic Development  
Wendy Compton-Ring, Department of Community, Trade, and Economic Development  
Sharon Love, Federal Highway Administration  
Carol Jolly, Governor's Executive Policy Office  
Patty Betts, Washington State Department of Ecology  
Peter Birch, Washington State Department of Fish and Wildlife  
Pasco Bakotich, Washington State Department of Transportation  
Dick Gersib, Washington State Department of Transportation  
Tim Hilliard, Washington State Department of Transportation  
Ed Molash, Washington State Department of Transportation  
Gregor Myhr, Washington State Department of Transportation  
Jeff Sawyer, Washington State Department of Transportation  
Shari Schaftlein, Washington State Department of Transportation  
Rob Schanz, Washington State Department of Transportation  
Judy Stratton, Washington State Department of Transportation  
Patrick Svoboda, Washington State Department of Transportation  
Al Wald, Washington State Department of Transportation

## **INTRODUCTIONS AND AGREEMENT ON LAST TPEAC MEETING HIGHLIGHTS**

Senator Swecker welcomed everyone and informed all in attendance that throughout the Legislation Session the meetings will continue to be from 9:00 am – 1:00 pm. He also asked non-TPEAC members, who are not WA State Department of Transportation (WSDOT) employees, to sign Meal Agreement if they intend to stay for lunch; as required by the WSDOT auditor's office.

The December 2002 meeting highlights were adopted by TPEAC without revision.

## **PILOTS/ONE-STOP SUBCOMMITTEE**

Shari Schaftlein, WSDOT, presented an update on the Pilots/One-Stop Subcommittee. Regarding SR24, the Interdisciplinary Team (IDT) is trying to incorporate into their current activities some of the lessons they have learned. They have focused on the importance of planning to address multiple objectives, and are adapting project management and communication tools to IDT needs. The IDT found that it is difficult to project permitting needs before design completion and there are funding uncertainties. They need to continue to clarify IDT roles and responsibilities, set consistent boundaries for the IDT, and provide confirmation that agency involvement has influenced the outcome. The IDT has found that TPEAC issues do not work well in the abstract without real project application, and the streamlined process took more time than the established process. However, the investment upfront yields payoff later. They need to provide more guidance on the IDT and on the One-Stop Permitting process.

Shari said they have to do an analysis on what permits they need to get, and find out the shelf life/duration of the permits so they do not have to reopen them. She presented a chart on SR 24's Project Funding History, and Senator Swecker asked if the chart could compare the cost of the two different approaches, because there is discussion about Performance Measurement at the legislature. He asked if someone could do a comparative time line and comparative cost analysis, even though some of it is speculative, because it should give an idea of the problems with the old system. He said anything he has available to help him will be valuable.

Shari said the IDT has looked at both internal and external considerations when shelving a project, so they can consider how far they should go with permitting. They have also come up with some preliminary recommendations if there is no change in the current transportation-funding scenario, such as, instituting IDT type forums to scope re-review, concur on closure documentation/checklist, and to utilize conflict management.

Tom Eaton, U.S. Environmental Protection Agency (EPA), said at some point in the future, he would like to bring in a panel of IDT members so TPEAC can learn from them. Shari said she will discuss this with the subcommittee members, and she thought May would work for this type of discussion. Senator Swecker liked the idea and thought maybe four or five people could come, do a presentation, and then have a question/answer session.

Jeff Sawyer, WSDOT, discussed the status of the Hood Canal Bridge. He talked about the progress that has been made, the significant work they are looking at, and the needs they still have. One of the problems they have is the US Army Corps of Engineer's (USACE) inability to engage in the IDT, which has been a hindrance because the IDT is unable to have close communication with them.

Jeff said there would be an eight-week bidding period in February, and they will award the contract the first week of June. The final permits will be obtained about mid June, but in a typical process they would not ask for bids until all of the permits are in so they can be added into the cost of the process. They are comfortable doing this because they have been able to see most of the draft permit conditions, which they can add to the contract, and they will be able to disclose the conditions to the contractors. Jerry Alb, WSDOT, said this has been uncomfortable for WSDOT, but said the Federal Highway Administration (FHWA) has been helping WSDOT look at this in a new way. He also said the IDT process has enabled WSDOT to go to Ad this year, and no one is compromising the structure or the environment. However, they are compromising procedural issues that they have all been comfortable with. Greg Hueckel, Washington State Department of Fish and Wildlife (WDFW), told Jeff and TPEAC he was offering his services if there are problems between the biologists or the HPA. He would like to have a discussion about this at the IDT level.

After more discussion about permit issues, Shari ended the presentation.

### **PROGRAMMATIC SUBCOMMITTEE**

Gregor Myhr, WSDOT, presented TPEAC with an update on the Programmatic Subcommittee's progress to date. He reminded committee members that the Programmatic Approach, first presented to TPEAC in April, 2002, is a six step approach for developing multi-agency programmatic, with the subcommittee now working on step six; "Develop and implement programmatic approvals through existing processes".

Gregor said the Programmatic Subcommittee has created a nine-item high priority activity list for providing programmatic permits. The group ranked this activity list from one to nine, built a consensus on a multi-agency agreement, and decided to begin with the bridge painting activity because this was the only item for which the jurisdictional agencies were available. They initially wanted to complete Bridge Washing and Painting before January of 2003, but it will probably be May before they can get the completed programmatic agreement for this item.

There have been challenges because of the varying perspectives involved in writing the unified permit conditions, such as outcome-based verses specification-based. Their draft-unified conditions are nearly complete - with the exception of the containment issue. The subcommittee needs to complete unified conditions, complete a feasibility study, apply for/receive programmatic permits, and DOE needs to determine the method of regulatory coverage. With the subcommittee meeting weekly, they anticipate completing the programmatic for bridge washing/painting by the end of March 2003.

### **TPEAC II: NEXT STEPS**

Senator Swecker updated the committee on the status of the two pieces of legislation authorizing the continuation of TPEAC. The Senate version has passed and is on its way to the House of Representatives, and there will be a hearing tomorrow, February 13<sup>th</sup>, on the House version. The Senator told committee members that he believes their will be a work plan for the next session of TPEAC, and he would like the committee to help construct one instead of having the legislature mandate one.

Peter Downey, WSDOT, asked everyone to look at the TPEAC Reauthorization paper to see if he had encapsulated comments correctly. He said he tried to summarize and paraphrase the comments he thought were alike so the document would not be so large. He apologized if he appeared to be a bit strident in what he had written, and for what he may have left out. Peter directed everyone's attention to Representative Rockefeller's comments, which stressed the need for a work plan, asked for higher policy level discussion, and requested fewer meetings. Peter has been working with the Watershed, Programmatic, and Pilot/One-Stop Subcommittees, to put workplans together.

Leonard Bauer, Department of Community, Trade, and Economic Development (CTED), came to the meeting because the new draft TPEAC budget did not contain funding for a CTED liaison. Leonard requested the position continue, if TPEAC receives further funding, and he brought a cover letter and a workplan showing what the CTED liaison would do. Leonard told committee members the CTED liaison had previously provided significant help with both the Planning Subcommittee and the Watershed Subcommittee,

and said the position could be very valuable with both the Growth Management Act (GMA) and Planning. Considering the current budget climate, CTED would attempt to provide as much support as they could without this liaison position. Leonard wanted to strongly emphasize that CTED is not advocating CTED at the expense of the other local government positions. Sharon Love, Federal Highway Administration (FHA), thanked Wendy Compton-Ring, CTED's representative to the Planning Subcommittee, for all of her valuable contributions, and for her help in drafting what the Planning Subcommittee did. Sharon said CTED brought a lot of knowledge regarding GMA, as CTED provides assistance to the local governments regarding growth management. Senator Swecker said he did not want to solve the planning process at this meeting, nor did he want to spend transportation dollars doing local planning. However, he would like to find out how to bring the processes together, and he is supportive if CTED can come up with good solutions.

Peter thought it would be good to go forward with the planning summit, and he would like to sit down with the co-chairs of the Planning Subcommittee to draft something that they could bring back to TPEAC. Scott Boettcher, DOE, said he would like to give this group a good set of directions/expectations so they have a better chance of putting together something successful. Jackie White, Association of Washington Cities, thinks it is critical that they be one of the interested parties at any summit discussion.

Carol Jolly, Governor's Executive Policy Office, suggested that TPEAC shift to bi-monthly meetings now, while the legislature is in session, instead of waiting until July. There was a general consensus by all in attendance to go to bi-monthly meetings, should TPEAC receive future funding.

#### **WATERSHED SUBCOMMITTEE**

Peter Birch, WDFW, introduced the Watershed Subcommittee's SR522 Presentation. He told committee members they would see a culmination of the SR 522 test case, the results of this test case, and the lessons learned. The three parts of the presentation consist of:

1. Part I - the Project Site Assessment
2. Part II - Characterize Conditions and Identify Potential Mitigation Options
3. Part III - Identify and Assess Potential Mitigation Sites

The subcommittee's next step will be to do the Beta-test, which will focus on stormwater, and a work plan will be developed for the Beta-test.

Dick Gersib, WSDOT, thanked Sharon Love and Mary Gray (both from FHWA), for their help in obtaining funding from the Federal Highway Administration. The subcommittee could not have completed their work without this funding. Dick introduced the other presenters, Rob Schanz, Albert Perez, Al Wald, and Tim Hilliard, (all from WSDOT), thanking them also. Dick said the work they are presenting represents the views and logic of the presenters and not of the entire subcommittee. The other subcommittee members are going to review the work and will be commenting on it. Two review/comment tracks will be established; the first will involve gaining technical peer review from recognized specialists at the University of Washington and elsewhere.

The second process will consist of formal review and comments from agencies represented on the Watershed Sub-committee.

Dick told committee members that Part II, Step Four of their work, Characterize Condition of Ecological Processes, is new to TPEAC. He said the first thing they did was to sub-divide the sub-watershed into drainage analysis units. Next, they established landscape indicators (roofs, roads, parking lots, etc.), which need a great deal of peer review to see which are appropriate, and will require technical documentation and policy concurrence. It is imperative that the watershed characterizations have the most current land use data, and the information has to be both current and accurate.

The team learned many lessons in this endeavor, such as, there is a substantial amount of work to be done to refine their methods even though there have been tremendous strides made, and an interdisciplinary technical team is essential to the development, assessment, and interpretation of watershed characterization tools. The team needs adequate GIS support to complete watershed characterization projects, and they must have key permitting agency staff to work directly on the technical team. They have also found that local coordination is an intrinsic part of the watershed characterization process, and it must begin at the earliest stages in the process. The other lessons learned can be found in their document, along with their complete report, which is available on the WSDOT TPEAC website at:

<http://www.wsdot.wa.gov/environment/streamlineact/watershed.htm> .

Their preliminary recommendations are to begin integrating the lessons they have learned from watershed characterization into policy documents, and Beta-test methods on an urban or urbanizing transportation project in 2003.

#### **PUBLIC COMMENTS/WRAP UP**

There were no public comments and the meeting was adjourned.

**TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE**  
**(TPEAC) MEETING, JANUARY 8, 2003**  
**LABOR & INDUSTRIES BUILDING, OLYMPIA, WA**

**COMMITTEE MEMBERS PRESENT**

**VOTING**

Senator Dan Swecker, Senate Republican Caucus  
Senator Margarita Prentice, Senate Democratic Caucus  
Representative Phil Rockefeller, House Democratic Caucus  
Representative Doug Ericksen, House Republican Caucus  
Jerry Alb, Washington State Department of Transportation  
Scott Boettcher (Gordon White), Washington State Department of Ecology  
Peter Birch (for Greg Hueckel), Washington State Department of Fish and Wildlife

**NON-VOTING**

Dan Dixon, Consulting Engineers Council of Washington  
Christine Golightly, Columbia River Inter-Tribal Fish Commission  
Willy O'Neil, Associated General Contractors of Washington  
Bruce Wishart (for Ann Aagaard), Statewide Environmental Groups  
Grant Nelson, Association of Washington Business

**INVITED**

Tom Eaton, U.S. Environmental Protection Agency  
Bob Turner, NOAA Fisheries  
Dan Mathis, Federal Highway Administration  
Lynn Childers, U.S. Fish and Wildlife Service  
Sheila North, Federal Transit Administration, Region X  
Bill Wiles, Upper Columbia United Tribes  
Annie Szvetec, Washington State Department of Natural Resources  
Thomas F. Mueller, US Army Corps of Engineers

**COMMITTEE MEMBERS NOT PRESENT**

Dick King, Washington State Building and Construction Trades Council  
Jackie White (for Joan McBride), Association of Washington Cities  
Scott Merriman (for Glen Huntingford), Washington State Association of Counties

**TPEAC ADMINISTRATIVE STAFF**

Susan Camerer, Washington State Department of Transportation  
Linda Healy, Washington State Department of Transportation  
Carol Lee Roalkvam (for Peter Downey), Washington State Department of Transportation

## **GUESTS**

Gene Backstrom, House Transportation Committee  
Mary Fleckenstein, House Democratic Caucus  
Berni Goulet, TVW  
Carol Jolly, Governor's Executive Policy Office  
Rick Krochalis, Federal Transit Administration, Region X  
Sharon Love, Federal Highway Administration  
Patty Lynch, Washington State Department of Transportation  
Sandra Manning, Washington State Department of Ecology  
Wendy Compton-Ring, CTED  
Lisa Rozmyn, Washington State Department of Ecology  
Shari Schaftlein, Washington State Department of Transportation  
Nathan Shaw, TVW  
Kate Stenberg, US Army Corps of Engineers  
Sandy Stephens, Washington State Department of Transportation  
Kelly Stowe, Washington State Department of Transportation

## **INTRODUCTIONS AND AGREEMENT ON LAST TPEAC MEETING HIGHLIGHTS**

Senator Swecker opened the meeting, welcoming everyone to Olympia. He spoke about his recent trip to Washington D.C., and thanked everyone for keeping a productive tone during the TPEAC meetings. He said WA State's streamlining efforts are far ahead of the rest of the nation.

The Senator introduced Carol Lee Roalkvam, WA State Dept. of Transportation (WSDOT), who facilitated the meeting for Peter Downey. He also introduced Rick Krochalis, Regional Administrator at the Federal Transit Administration (FTA), who will be replacing Sheila North (FTA), as this was Sheila's last meeting.

Thomas Mueller, US Army Corps of Engineers (USACE), introduced Kate Steinberg (USACE) who recently started working for the Corps; she will probably be involved in TPEAC at some level.

The December meeting highlights were adopted by TPEAC without revision.

## **STORMWATER ACTION ALTERNATIVES**

Senator Swecker introduced Resolution #22, directing the Watershed-Based Mitigation Subcommittee to develop a work plan to evaluate applications of watershed processes to stormwater mitigation. Specifically, the work plan will review issues and create technical methods needed to apply watershed based mitigation concepts to stormwater. The subcommittee will then pilot these methods on a project in an urban area; with major stormwater mitigation needs to determine their applicability on a broader scale. When this is complete, they will create policy recommendations to TPEAC. Senator Swecker recommends the resolution highly and said it is a way to move ahead in a collaborative fashion.



Shari Schaftlein, WSDOT, told committee members the resolution was the work of a small group of representatives from several agencies. They looked at structure and functions, and where stormwater could fit in regards to TPEAC. Since the Watershed subcommittee has already done a lot of the work in this area, they have been asked to look at Will Stelle's report, Managing Stormwater through an Integrated Watershed Program, which was presented at the December 11, 2002 TPEAC meeting. The subcommittee has been asked to see how they can write the science, in conjunction with continuing their work on the SR 522 test case.

Senator Swecker told TPEAC he wanted to adopt the resolution and he said if anyone would like to come back with modification and/or addendums in the future they could. Some minor changes were made to the resolution and the voting members present unanimously adopted it.

### **DISAPPEARING TASK FORCE**

Jerry Alb from WSDOT presented an update on the Disappearing Task Force on Personnel. TPEAC funding allows for liaisons to assist in the permitting process and to facilitate improvements and efficiencies in the TPEAC process. However, when the TPEAC legislation was written, the personnel difficulties were not anticipated. Different agencies interpret statutes in different ways, (both federal and state), and there are organizational issues and concerns that are not easily overcome. It will not require legislation to make this work, but it will require that congress provide clarity. The legislature needs to provide a policy statement to the various state agencies as to what they want. Without this, each personnel office in the various agencies will create their own policy statements. The Disappearing Task Force has found alternatives that can work and they have come up with creative solutions, but it is taking a lot of time on everyone's part.

Lynn Childers, US Fish and Wildlife Service (USFWS), said Jerry Alb (WSDOT) has worked hard to help resolve the problems and the members of the Disappearing Task Force are grateful for his work. Lynn thinks the liaison program works very well for his agency, although they do want to avoid any appearance of conflict, like having all of the liaison personnel be from WSDOT.

Senator Swecker asked Jerry if the Disappearing Task Force could write something that could be used by agencies in the future. He would like people to benefit from our experience because Permit Streamlining is going to happen all over the nation. Jerry said he would put together a summary that the task force will circulate among the agencies, and the task force will report back to TPEAC in February 2003 with their recommendations.

### **TPEAC II: NEXT STEPS**

Senator Swecker presented the TPEAC Reauthorization to committee members in Peter Downey's absence. This document is an overview of TPEAC's accomplishments to date, including successes and unresolved issues. The Senator said it was time to reflect on how successful the committee has been, and he also said the committee would feel the

absence of the representatives from both Association of Washington Cities and Washington State Association of Counties during the discussion. Committee members had several suggestions about what they believe should be included in the document, including the Dispute Resolution Process, the Hood Canal IDT, the Watershed Characterization, and the SR 24 field trip (to name a few). Senator Prentice told committee members the legislative members are going to have to defend what they have done with TPEAC, and she would like to know what needs help, what has been done, and where we need to go.

Representative Ericksen arrived during this time and apologized for being late. He will be leading House Republicans during this legislative session and he asked the group for their thoughts on where the process is moving too fast or too slow. He would like the comments in writing and sent to his office. He said people are getting edgy to see more results, like construction projects moving forward in a quicker time frame, and any suggestions and/or advice would be appreciated.

Senator Swecker asked committee members if they should change the forum they have been using. He said he would like to try a new process, like a summit format. He has received suggestion to have meetings where they can tackle difficult issues, without being recorded, and he is open to any change in process. He also asked committee members to review the TPEAC Reauthorization document, add items that have not been included, comment on items that should be deleted, and return to Linda Healy or Susan Camerer, TPEAC's administrative staff at WSDOT, so they can compile the information and get the amended version back out to committee members.

#### **TRAINING, COMPLIANCE, AND REPORTING SUBCOMMITTEE**

Patty Lynch, Sandy Stephens (both from WSDOT), and Sandy Manning (DOE), brought the Training, Compliance and Reporting Subcommittee's two resolutions to TPEAC. Resolution #20 asks for TPEAC's endorsement of an Interagency Statewide Auditing Procedure for Environmental Compliance, and Resolution #21 asks for TPEAC's endorsement of the Environmental Compliance Assurance Procedures for Maintenance and Ferries Projects and Activities. The purpose of the Resolution #20 is for DOE, WA State Department of Fish and Wildlife (WDFW), and WA Department of Natural Resources (DNR) to audit WSDOT for compliance and then report to the legislature. Also, the purposes of the resolutions is to recognize and eliminate environmental violations, and provide prompt notification to WSDOT management and agencies, with WSDOT leading efforts with environmental management. One of the key components of the resolutions is the addition of a Regional Maintenance Environmental Coordinator as Sandy Stephens, (WSDOT), was not able to handle everything that happens.

The subcommittee in cooperation and partnership between WSDOT's Environmental (EAO), Ferries (WSF), and Maintenance Offices, and the regulatory agencies, developed the Compliance Assurance Procedures. It integrates successfully into WSF's current Safety Management System (SMS) and will be a cornerstone for their EMS. In the past they have only reported on violations, so this is an opportunity to collect information on the good site.

Jerry Alb, WSDOT, said part of what the subcommittee has done is a verifiable process, with everyone getting along and trusting each other. One of the things that will happen is agencies will be collecting, sharing, tracking, and reporting information. Jerry said he does not want anyone to lose sight of how important this is, and it demonstrates to the public that they are not ignoring the process. The voting members present unanimously passed both resolutions.

#### **UNIFIED PERMIT BINDER (UPB) REQUEST FOR PROPOSAL (RFP)**

Patty Lynch, (WSDOT) briefed TPEAC about status of the Unified Permit Binder (UPB) Request for Proposal (RFP). The Pilot/One-Stop Subcommittee will put this binder together. The concept is organizational and architectural so that all of the information, through the life of the project, stays in one place in a consistent format. The binder will focus the Interdisciplinary Team (IDT) at the onset of the project, provide templates and guidelines, and reduce the need for new information. This project should take about 12 weeks to get together, and Patty said the subcommittee hopes to have it in place by about the first of April. It will occur over approximately a four-month time frame, with the added benefit of having an interim check because of work done by a consultant as well as the work done by the people involved in the project. Senator Swecker said this integrated system approach allows the information to be available to anyone who wants it. He also believes “Integrated Permit System” is a better name because it denotes the process. Patty said the RFP will go out sometime this month and she will allow a couple of days for people to look at it.

#### **ONE STOP/PILOT PROJECTS SUBCOMMITTEE**

The One-Stop/Pilot Projects update was deferred until next month due to a lack of time. Shari Schaftlein, (WSDOT), said the Hood Canal IDT will take a look at what is in the Unified Permit Binder and she will bring a report of their findings to TPEAC in February 2003.

#### **PUBLIC COMMENTS/WRAP UP**

There were no public comments.

Sheila North, (FTA), said good-bye and said it has been wonderful working with everyone. She reminded TPEAC that Rick Krochalis, FTA’s Regional Administrator, will replace her beginning February 2003.